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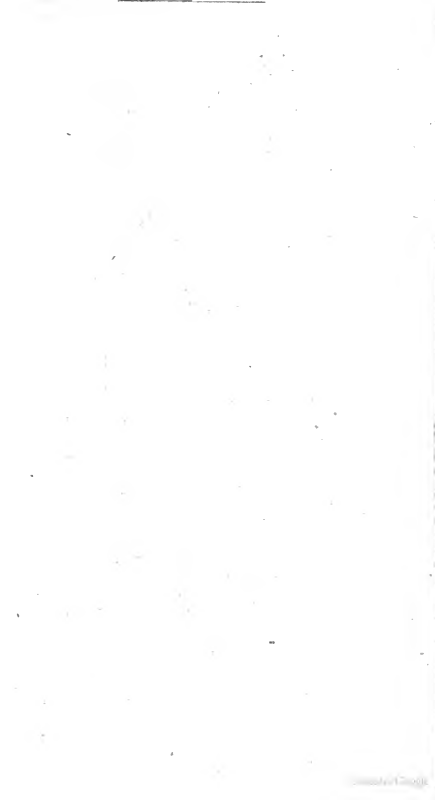


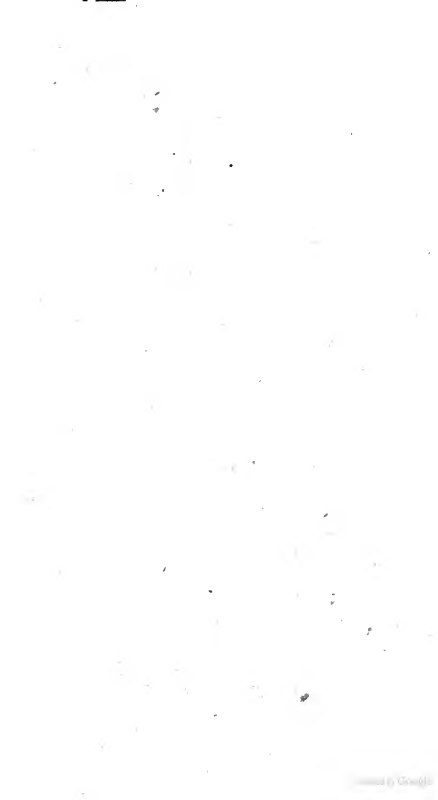
PETER EVERETT

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Exhibition







MODERN CHIVALRY.

CONTAINING THE
ADVENTURES OF A CAPTAIN,
AND

TEAGUE O'REGAN,

HIS SERVANT.

BY H. H. BRACKENRIDGE.

QUID VETAT RIDENTEM DICERE VERUM.....HOR.

VOLUME II.

14 ✓
PUBLISHED

BY JOHNSON & WARNER, AND SOLD AT THEIR
BOOKSTORES IN PHILADELPHIA AND
RICHMOND, VIRGINIA.

.....
1815..
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MODERN CHIVALRY.

CHAPTER I.

TEAGUE having thus departed, it became the Captain to look out for another servant ; and deliberating on this subject, Mr. M'Donald, the Scotch gentleman, of whom we have before spoken, happening to enter, the Captain explained to him the circumstance, and made enquiries with regard to his knowledge of any one that chose to be employed in this way, and might be fit for the service. Said Mr. M'Donald, I ken a lad right weel of the name of O'Duncan Ferguson, frae about Perth in Scotland, that is trusty and vera fit to wait upon a gentleman, except it be that he may gie ye o'r muckle trouble about religion, having had a vera strict education i' the presbytery ; gin ye can put up wie that, I sal warrant him honest, and vera faithful to his master and that he will take guid care of your horse. He is about thirty years of age, and has been a guid deal in service, and knows what it is to wait on guid houses, in his ain kintra ; I dinna ken how he may suit all places in these parts ; but wie a man o' your judgment, I think he may do vera weel.

The Captain thanked him for the information ; and having conceived a good opinion of Mr. M'Donald's integrity and sense, he was willing to take the young man upon the recommendation he had given.

Accordingly being sent for by Mr. M'Donald, the North Briton came, and presented himself to the Captain. The wages of his service being agreed upon, he entered on his functions the same day ; and in a short time the Captain having paid his bills in the city, set out with Duncan on the same route with Teague.

Duncan in like manner with Teague had to walk on foot, for the Captain could not afford to purchase another horse, more especially as he had considerably exhausted his finances, by the late equipment of Teague. But even could he have made it convenient to have increased his cavalry the expences of travelling would have been increased, which he could not also well afford; or which it would not have been within the limits of a discreet economy to have incurred. For travelling slowly, the servant could without weariness equal the pace of his master on horseback. Besides, it gave diversity, and had more the air of ancient custom, than being both mounted. It was in this manner, the Gauls who fought with Cæsar equipped their dragoons, as we learn from the Commentaries; and also the Numidian horse under Jugurtha, as we learn from Sallust, had each a foot-man by his side, who sometimes assisted himself by the mane of the quadruped in running; but was at all times considered as attached to the rider, and ready to subserve him in battle. The Scotchman, moreover, had but a light luggage to carry; being nothing more than a couple of shirts, a pair of stockings, a Kilmarnock cap, a Confession of Faith, Satan's invisible kingdom discovered, and Crookshank's history of the Covenanters.

It was upon the topic of religion that the conversation first turned. Duncan asking the Captain of what denomination he was. I am denominated Captain, said he; though I have had other epithets occasionally given me by the people amongst whom I have happened to sojourn, especially since my last setting out on my travels, after the manner of the ancient chevaliers. I have been called the modern Don Quixotte, on account of the eccentricity of my rambles, or the singularity which they conceive themselves to discover in my conversation and manner. I have been called the Knight of the single Horse, having but one myself, and none for my attendant; in this particular unlike my predecessors, whose squires were mounted as well as themselves. In some places I have taken my designation from the Irish valet that I had, and of whom you have heard me speak, of the name of Teague, and have been called the Owner of the Red-headed Bog-trotter; as it is probable I may now be designated occasionally by the appellation of the master of the raw Scotchman, by those who may be able by your dialect to distinguish your origin. But all these things I look upon as inconsiderable. It is of little, or perhaps of

no consequence to me, what my designation is amongst men; provided it contains nothing in it that may impeach my moral character, and may seem to have been drawn from some bad quality or vicious habit of the intellect. They may call me Don Quixotte, or Hudibras, or the Knight of Blue Beard, or the Long Nose, or what they please. It is all the same to me; and gives no affront, unless containing a reflection on my integrity.

Captain, said Duncan, it canna be, but ye ken right weel what I mean. It is na the denomination o' your temporal capacity, that I wad be at; but o' your religion, and to what perswasion ye belong; whither o' the Covenant, or o' the Seceders, or the high kirk o' Scotland.

Duncan, said the Captain, I am not such an adept in faith, as to be acquainted with these nice distinctions. I have some knowledge of the christian religion in general, but not of those more minute subdivisions of which it is probable you speak. For I have understood that christianity is the national religion in Scotland, and I presume what you call Covenanters, and Seceders, are sections from the general establishment, and subordinate to the worship of the kingdom. It has not come in my way, nor have I much ambition to be more particularly acquainted. There is a degree of information on most subjects which it becomes a gentleman to have; but the going beyond this may savour of pedantry, and argue the having spent more time in trifles, than bespeaks strength of mind and elevated talents. Just as we respect the naturalist who amuses us with the philosophy of great objects; but smile at him whose life is occupied in catching butterflies, or gathering petrified shell-fish. Or to give a simile that conveys my meaning better; skill in language, either to write or speak, is a noble attainment; but this consists more in a just taste of the leading beauties, than in the criticisms of a mere grammarian, which shew the mind to have been wholly or chiefly taken up with these: To use the words of the poet,

. Word catchers that live on syllables.

Commas and points they set exactly right,

And 'twere a sin, to rob them of their might.

The most liberal studies may be pursued to an illiberal excess; as for instance in music, where it must be considered as an elegant accomplishment to have some talents; yet not to have made such proficiency in the

execution, as to induce a suspicion of attention to this art, to the neglect of others. I have taken care to acquire a general knowledge of the surface of this earth, from the maps; yet have not made myself master of the situation of every slough, or bog that may be found in your country, or exact bearing of hill or mountain there. In the same manner, I may know that you are christians in that island, but nothing more.

What, man! said Duncan, ha' ye never heard o' the Solemn League and Covenant. I have heard, said the Captain, of many Leagues and Covenants. In the time of Henry IV. in France there was what was called the League. The family of Guise was at the head of this, and opposed to the Protestants. It is probably a branch of this that has come over into Scotland, and kept up the name, after having been broken by that heroic Prince, and afterwards taken away altogether, by his conversion to the mother church, and peaceable possession of the kingdom.

By that, ye wad mak out the Covenanters to be a relict o' Popery, said Duncan. I ken ye right weel, Captain; ye canna be sae ignorant as not to know that the covenanters are the very reverse o' popery. Did ye never read Crookshanks? Did ye never hear o' the persecution?

I have heard of the ten persecutions under the Roman emperors, said the Captain.

Under ten Deevils, said Duncan. I am speaking o' the persecutions in Scotland; when the ministers were hanged at Ayr.

The Captain saw that his valet was beginning to be warm on the score of religion; and that it would be difficult to continue the conversation in any shape without giving him offence. He was therefore disposed to address his pride, and please him by an acknowledgment of ignorance; at the same time proposing a readiness to be instructed in the peculiar tenets of the faith of the covenanters.

Duncan, said he, you are under a mistake as to the opportunities of education in this country. It is not as in Scotland, where the christian religion has been planted above a thousand years, and the reformed church established a century or two; where clergymen are numerous, and religious books plenty.

Ay, said Duncan, where ye have preaching amais every day o' the week, and twice on the Sabbath. Ye canna set your face any way, but ye hae a kirk before you.

Catechising o' the children begins amais as soon as they are born ; and examining the grown people, in visits at the house ; wie a strict discipline, that calls to the session for things that scandalize the morals. Ye sal find many guid bukes there published by the Erskines, and the Gillises. Did ye e'er read Peden's Prophecies ?

I have read nothing of this kind, said the Captain ; for I was observing to you, that in America we have not these opportunities. For my own part, I have lived a good deal in the route of clerical functionaries, where they have passed and repassed, and have heard their sermons, and conversed with them ; and though they may have been distinguished amongst themselves as orthodox or hetrodox ; or under several names or by various particulars of doctrine ; yet the differences appeared to me so minute, that I never thought it worth while to trace them ; and they made themselves acceptable to me, less or more by the greater harmony of voice, or elegance of language, or gesture ; or by the justness of their observations on the obligations of morality amongst men, and the good consequences to society and to the individual.

Have ye read Willison on the Catechism, or Halyburton, or Boston's Fourfold Statc, or Durham on the Revelation ? said Duncan.

Nothing of all these, said the Captain.

Said Duncan, I ha' got the Confession o' Faith in my wallet here ; I wad lend it to you to get a piece o' it by heart, if ye wad promise to tak guid care o' the buke.

My memory is not good, said the Captain, especially in that artificial exercise of it, which consists in committing abstract ideas. What touches my affections, I remember without trouble, and sentiments which are obvious and natural ; and I should think the early mind would be better occupied in reading some instructive fables, than in committing to memory these dogmas of divinity, that are unintelligible to any but theologists themselves ; nay not even by them incontrovertibly ; for otherwise how should they differ so much in their illustrations of them. However, I have no inclination to be led into a debate with you, Duncan, on a subject where you are so much my superior. But you will excuse me as to committing the Confession of Faith to memory ; at my age it is painful to apply to a thing as to a task. Duncan acknowledged the truth of this, and was disposed to excuse him ; but recommended him to read the sermons of the reverend John Dick and Saunders M'Alpin.

CHAPTER II.

HAVING travelled this day without any remarkable occurrence, and putting up at an inn in the evening, Duncan had taken care of the horse, in having him well rubbed down, and having seen his oats given him, and the rack well filled with hay. A gentleman had also that evening put up at the inn, and whose servant had been engaged at the same time with Duncan, in taking care of his respective master's horse. This valet, whether from reading Thomas Paine's *Age of Reason*, which had been published about this time, or to the sceptical conversation of some one in his way, was far from being orthodox in his notions of religion; or rather was sceptical with regard to religion altogether: and had not been accustomed to the strictest propriety in the choice of his expressions; which became apparent, in a short time from his use of suppletives that are common with profane men, when they would enforce what they have asserted; or when prompted by passion, they are carried beyond the bounds of decorum, in imprecations on themselves or the incidental cause of their injury. Whether the horse had not maintained a proper position in currying him, or that the valet thought he did not, is uncertain; but so it was, that in the course of his labour he broke out into occasional sallies of ill humour; or perhaps from mere habit, and without any cause at all, he began to damn the soul of the beast. Duncan could not avoid taking notice of it, and reprimanding him for his profanity. The other gave him no other thanks than to damn his soul also; which language began to raise the blood of Duncan; but he repressed his resentment for the present, and was silent until they both came to sit down to supper in the kitchen of the public house, the gentlemen above having already supped; when Roderick, for that was the name of the valet, began to eat, not having first said grace. At this Duncan losing all patience, broke out upon him, Sirrah, said he, I could make an excuse for damning the soul o' your beast; because I dinna believe he has a soul, and in that case ye were doing nothing mare than making use o' a bad expression; but ha' ye na mare decency, than to fall to your meat without asking a blessing on what is set be-

fore you; more than your horse i' the stable, when he falls to his oats? what could ye expect frae a dumb beast? but with ane o' the shape o' a Christian creature, it savours o' infidelity. Ha ye na sense o' religion? Did ye never see the Confession o' Faith; or the Larger or Shorter Catechism? Are ye na afraid, the devil will get power o'er ye, and mak ye hang yoursel.

The devil, said Roderick! I am not afraid of the devil; I could kick him, and cuff him, and play with him like a foot ball.

Guid deliver us! what blasphemy, said Duncan; I am afraid young man, ye may get a trial o't, you'll see then wha o' ye will be uppermost. I'll lay my lug for it, ye dinna stand him twa shakes, far a' sac stout as ye are. Ye had better seek the Lord, and be out o' the reach o' Satan.

I never saw any greater devil than myself, said Roderick; nor do I believe there is any, I wish I saw this satan of your's, I would take a knock with him; I would bite, and gouge him, and,—

This he said jumping to his feet, stretching out his hands towards Duncan, and grinning at the same time.

Duncan could sustain it no longer, but making his escape from the kitchen, ran to the chamber where the Captain was with the gentleman, taking a glass after supper: Exclaiming with great vehemence, he gave him to understand that the muckle deel himsel was in the house below stairs. I did na just see his horns, and his cloven foot, said he; but I ken him right weel by his way o' talking, when he was i' the stable wie the gentleman's horse, rubbing him down, he cursed and swear'd like a devil; and when he came to sipper, he could na bide the blessing, but when I spake o' grace, he brake out into profane language; and at last fairly acknowledged that he was the deel himsel. Guid guide us, that we should hae the devil among us! I wad na be astonished if he has the kitchen aff in a flame of fire, before we gae to bed yet. I hae Satan's invisible kingdom discovered wi' me, in my bags. It gies great account o' these things. The like happened at Drumlawrig ance before; and the guid folk had a great deal o' wark to get the muckle thief out o' their sight again.

The Captain and gentleman were at a loss to understand this rhapsody; and could only in general collect from it, that he conceived himself to have seen the devil.

Where is the devil? said the Captain. Can ye shew him to us, Duncan? I can soon do that, said Duncan. I left him i' the kitchen at his meat; but I trow he does not eat muckle. It is a' a pretence, to pass for one o' us. But gin ye sing a psalm, or pronounce a verse o' the Bible, or gae about prayer, I sall warrant ye sall soon see him in his proper figure wi' his horns and his cloven foot ginning at ye, just as he had come out o' hell about an hour ago.

Let us see him Duncan, said the Captain, and examine into these circumstances.

The Captain and the gentleman had supposed that some wag, amongst the servants of the public house, had been attempting to amuse himself with the credulity of Duncan, having discovered him to be of a superstitious cast of mind; and that with some kind of vizard to the face, and uncouth dress to the person, he had assumed a frightful form, and imposed upon him the idea of a demon. Under this impression they went forward, Duncan with fear and trembling, lurking behind, and eyeing carefully the scene as they approached. Entering the kitchen, Duncan started and exclaimed, The Lord deliver us! there he is, eating at his meat, as if he was a creature above ground though ye may all see that he has the physiognomy of Belzobub. Of whom do you speak, said the Captain? of that muckle chiel there said Duncan, i' the blue jacket, and the lang breeks;—(it was a pair of overalls);—That Satan-luking fallow, continued he, wha puts the bread in his mouth, and sits wi' his backside on a stool, as if he were ane o' oursels; and had na been i' the bottomless pit these twal months. But gin ye speak til him, I sall warrant ye sall soon hear him talk the dialect o' hell, and curse and swear like a fiend, and grin like the deel himsel; and shew his cloven foot very soon, tak my word for't.

Why that is my servant, said the gentleman?

Ay, ay, said Duncan, I dinna doubt that; he may hae passed himsel for your servant. But that does na hinder him to be the deel. Dinna ye hear what the apostle says, "he can transform himself into an angel of light." It canna be a great trouble then to take the shape o' a waiting man, and sit before a pair o' saddle bags. If ye read Satan's invisible kingdom discovered, which I hae in my portmantles, ye sall find that the devil can make himsel a minister, and gae into the pulpit, and conduct

himself very weel, aye, 'till it comes to the prayer, and then off he gaes through the window, or takes the gavel o' the house wi' him. It happened once at Linlithgo, that he tuke the shape o' a guid auld man, the reverend doctor Bunnetin, and undertook to preach the action sermon at a sacrament; but gaed awa in a flight o' fire, just as he came to gie out the text. Ah, sirrah, said he, addressing himself to Roderick, are ye there yet? ye think because the folk here in America dinna ken ye, no ha'ing Satan's invisible world discovered among their printed bukes, that for that reason, I wad na ken ye. I ken ye weel enough, auld Reeky. Gae back, to Scotland, and take the shape o' muckle dogs there, whare there are guid folks that dinna fear ye; and no come o'er the burn till America, where the gospel is na yet planted, and there is na need for ye.

What have you been doing to this man, said the gentleman to Roderick, that he has conceived you to be the devil.

Nothing more, said the valet, than that when we sat down to eat he insisted on saying prayers first, and talked like a fool about religion. I was hungry, and did not like to wait for prayers. He talked about the deel. I told him I was the devil myself. He took me to be in earnest, I supposed; that is all.

Aye, and ye are the deel, said Duncan. Put out your foot here, and let us see if it hae a cloven place i' the middle o't, or be like a Christian's foot; or try if ye can stand till I say the Lord's prayer; though I wad na wish to say it, as I dinna ken but ye wad take the man's house wi' ye, and leave the Captain, and this gentleman without a chamber to gae to bed in. Psha Duncan, said the Captain; how can such ideas come into your brain? I see nothing but the gentleman's servant. It is the prejudice of your education, to suppose that the devil can take the shape of men, or tangible substance; at least that he can eat food, and converse with a human voice. You will come by and bye to have a better sense of things. In the mean time we must excuse your reveries, as you are but a late emigrant. This valet may be indiscreet, or as you would say, profane, in his expressions; a thing of which I will venture to say this gentleman, whose waiting man he is, does by no means approve. Nevertheless, I cannot think he is Apolyon, or Belzebub, or Satan, or the great arch devil of the infernal regions. I

do not even believe that he is one of your inferior devils, that has assumed the shape and function of a valet, and has sat down here to eat his supper in the kitchen.

I am not one of those, said the gentleman, that approve of profane language, or the undervaluing the religious ceremonies of a conscientious, though weak man; but it would appear to me that this is but an affair of humour on the part of my valet, who by the bye is but hired with me as a waiting man, and I have no controul over him, farther than to dismiss him for improper conduct. He is a merry fellow: but I have always found him faithful, and of good temper; so that I will venture to say, that if Duncan, for that I understand is the name of this North Britain, will take supper, and go to bed with him, he will receive no injury whatever.

I wad na take the whole town o' Perth, to sit down wie him, said Duncan; nor a' the kingdom o' Scotland to sleep wie him ae night. I should expect nothing else but to be i' the lake o' brimstone before the morning.

I will be damn'd, said Roderick, if I do you any damage. I am no devil more than yourself. It was to get quit of your long prayers before victuals, that led me to talk as I have done.

Do you hear him, said Duncan? would any body but the deel acknowledge himself willing to be damn'd, or talk about it in sac light a manner. He confirms by ae breath, what he denies by the other. He is the deel, as sure as ever Mitchel Scot was in Scotland, or if he is na the deel, he is as bad as the deel, and it gaes against the grain wi' me to hae ony communication wi' him. Let him gae to hell for me by himsel. He sall nae hae my company. I wad na trust but that he wad hae an hundred witches here about the house, before the morning, and put every one o' us on a broomstick to ride along wi' him, taking the taps aff the trees, and dinging doon houses, as he gaes along; the auld women turning themselves into cats, as they like, or taking the shapes o' hares, or soomin o'er rivers in their egg-shells.

The Captain finding that it was in vain to attempt by direct means to overcome the force of prejudice, changed his language, and affected to suppose that the valet might be the devil, and proposed to examine the extremity of both limbs, to see whether he had a cloven foot. The valet, submitting to the jest, agreed to be examined. His boots and stockings therefore being stripped off,

his feet were examined, and no fissure appeared more than in a common foot. Now, said the Captain, if he can stand the recital of a prayer, will you not acknowledge that he may be a human person. Ay, if 'twere a minister, said Duncan ; but I dinna ken, if the prayer o' a layman, can affect him much. But it does na matter muckle, whether he is the devil or not ; he is amaist as bad as the devil, as you may distinguish by his conversation, and I dinna care to ha muckle more to do wie him.

That is, devil or no devil, said the Captain, you will neither eat nor sleep with him.

Just the short and the long o' it, said Duncan. I will take a bit o' bread and beef in my hand, and creep into some nuke by mysel, if it should be i' the stable with the horses, rather than wie this wicked creature, that if he is not Satan, has a great resemblance o' him.

With this, the Captain and the gentleman, left them to themselves, and returned to the chamber.

CHAPTER III.

IN the morning it appeared that Duncan had sat up the greater part of the night, with a candle burning by him in the kitchen, until near day-light; when overcome with sleep he had reclined upon a bench, until the gentleman and his valet had departed, and the Captain had got up, which was about an hour after sunrise. Having breakfasted, which was about nine o'clock, they set out upon their travels, conversing as they went along upon subjects that occurred. The first topic was a comparison of Scotland with this country; in what particulars each had the advantage of the other. Duncan gave a decided preference in all things to the trans-atlantic region; and found nothing on this continent that could encounter the smallest competition. I should presume, said the Captain, we have more timber in this country than in yours. You may have more, but not half sae guid, said Duncan. Our fir, is far better than the oak that ye find here. I will allow you the advantage in one particular, said the Captain; you are more closely settled, and the soil of course must be under a more general cultivation. Aye, but that is nathing, said Duncan; it is settled wi' a better stock o' people; and we hae dukes and lairds amang us; no as it is here, where ye may gae a day's journey, and no hear of a piper at a great house, or see a castle; but a' the folks, and their habitations, luing just for a' the warld like our cotters in Scotland. But, said the Captain, what do you think of the works of nature here, the sun and moon for instance? The sun is a very guid sun, said Duncan; but he has o'er muckle heat in the middle o' the day. I wad like him better if he wad draw in a little o' it at this season, and let it out i' the winter, when we sall hae more need o' it. But as to the moon, Duncan, said the Captain, you have seen it since you came in; do you think it as large as the moon in Scotland? I dinna ken, quoth Duncan, but it is amaist as large; but it changes far aftener, and it is no sae lang at the full as it is in our kintry. But what think you of the stars, Duncan; you have taken notice of them, I presume, in this hemisphere. The stars dinna differ muckle frae the stars at hame, quoth Duncan; save that there are not sae many o' them. Wi' us,

the firmament is a' clad wi' them, like brass buttons; they light it up just like candles. But here they luke blaite, and hae a watery appearance in the night, as if they had got the fever and ague o' the climate, and were sickly, and had na strength to put forth their fire. I tell you, Captain, there is nathing here equal to what it is in Scotland. How could you expect it; this is but a young kintra. It will be a lang time before it comes to sik perfection as wi' us; and I dinna ken if it ever does.

How comes it to pass, Duncan, said the Captain that the devil chuses the women of your country, in preference to any other, to make witches of? For it would seem to be the case; as I have heard more of Scotch witches, than of English or American.

I can gie ye a good reason for that, said Duncan. The deel kens weel enough where to find out the best materials. The English women are no worth making witches o'; they could do him little guid when he had them. Ane Scotch witch is worth a dozen English, or American. They can loup farther, and sink a ship in half the time.

The Captain having made this experiment of the national partiality of Duncan, was satisfied: and turned the conversation to another subject.

I shall not stop to record the minute incidents that took place in the course of this day's travel; or that of the two following days; or relate the particulars of the conversation of the Captain with Duncan, or of Duncan with any other person. What I have related was chiefly with a view to give some idea of the new valet's character and manners.

I think it was the fourth day after leaving the city, that the Captain casting up his eyes at a place where there was a considerable length of straight road before him, saw a person trudging on foot, who by his make and gait, appeared to him to resemble the new revenue officer, the quondam bog-trotter. Duncan, said the Captain, if that man was not on foot, that is before us, I should take him for Teague O'Regan, the waiting man that was in my service, and who gave place to you; having obtained a commission in the revenue, and become an excise officer. But as I had equipped him with a horse, it is not probable that he could be without one already, and have taken to his trotters, after being advanced to be a limb of the government. It would be a degradation to the dignity of office.

foot. Dat is truth, master Captain. But who is dis son of a whore dat you have wid you trotting in my place? Does he take good care of your cratur at night, and clane your boots. I would be after bidding him smell dis cudgel here dat I walk wid, if he neglect a good master, as your honor is.

The blood of Duncan was up at the idea of being cudgelled by an excise officer; and stepping up to Teague he lifted a cudgel on his part. "Ye cudgel me, sirrah!" said the Caledonian. If it was na for his honor's presence, I wad lay this rung on your hurdies; or gie ye a rap upon the crown; to talk sik language to your betters. I should make ye ken what it is to raise the blood o' a Scotchman. You ca' yoursel a revenue officer. But what is that but a guager? which is the next to a hangman in our kintra. Captain, will ye stand by and see fair play, till I gie him his paikes for his impertinence. My lug for it, I sall make this rung rattle about the banes o' his head to some tune.

With that Duncan was making his advance, having raised his cudgel, and putting himself in the attitude of a person accustomed to the back sword; which Teague on the other hand observing, accosted him with softer words; not disposed to risk an engagement with an unknown adversary. Love your shoul, said he, if I was after affronting you more dan his honor my master; burn me, if I don't love you, just because you are my master's sharvant, and takes care of his baste. I was only joking. It is just de way I would spake to my own dear cousin Dermot, if he were here; for in Ireland we always spake backwards. Put up your tick, dear honey, I am sure de Captain knows dat I was always good natured, and not given to quarrels; though I could fight a good stick too upon a pinch: but it never came into my head to wrangle with my master's sharvant, especially such a tight good looking fellow as yourshelf, dat has a good shelalah in your hand, and is fitter to bate than to be baten dear honey.

Duncan, said the Captain, you have heard the explanation of the hasty words the revenue officer at first used; and it would seem to me, that, consistently with the reputation of courage, and good breeding both, you ought to be satisfied.

I dinna ken, quoth Duncan; it was a very great provocation to talk o' cudgeling; and it may be the custom

or a caw, on de road; or for something else, dat will plase your honor better; so dere is no harm done, plase your honor, while we are in a christian country, and can meet wid good pable to spake to, and take a watch or a colt off our hands, when we mane to part wid it, plase your honor.

Such was the conversation at the first interview of the Captain's family, to use a military stile; and may be considered as a sample of that which took place in the sequel of this day's travel, as they proceeded together until noon; when they came to dine at a public house, and umbrage was taken by Duncan, because the Captain had permitted Teague to sit at table with himself; which he did in respect to the office which he held, and in order to respect its dignity. Captain, said Duncan, coming to the hall door, and looking in, d'ye permit an excise officer to sit at the table wie your honor. For sik profanation I never heard o' in a' my born days; if it were in Scotland, it wad cause a sight to the whole neighbourhood. Does your honour ken that he is an excise officer? Duncan, said the Captain, it is a principle of good citizenship, especially in a republican government, to pay respect to the laws, and maintain the honor of its officers. It is for this reason, that I make it a point to honor one who was lately my bog-trotter; not that I discern in him any remarkable improvement in talents or manners; but simply because the government has discovered something; and has seen fit to give him a commission in the revenue. Who knows but it may be your own fortune, at no distant day to obtain an office, and will you not think it reasonable then, that it should be forgotten that you were once in the capacity of a waiting man; and that you should receive the respect and the precedence due to your new dignity? it is not with us as in monarchies, where the advance is gradual in most cases; though even there, an individual through the favor of the prince, or of the queen, or of a lady or gentleman of the court may have a sudden promotion: but in a free state, what hinders that the lowest of the people should be taken up, and made magistrates, or put into commissions in the revenue? I must insist, Duncan, that you retire to the kitchen, and take your dinner, and make no disturbance in the house at this time; you will come to understand better the nature of offices in these commonwealths in due time. Duncan retired; but in soliloquy expressing

his chagrin, at the strange reversion of affairs in America, from what they were in Scotland, and his mortification at finding himself in the service of a master, that could degrade himself by dining with an excise officer.

Teague, on the other hand, though he was silent in the hearing of Duncan, broke out as soon as he had shut the door; Captain, said he, plase your honor, where did you pick up dat teef-looking son o'd a whore, dat has no more manners, dan a shape steeler in Ireland; or a merchant dat sells yarn at a fair. By shaint Patrick, if your honor had given me leave in de road, I would have knocked his teet down his troat; and if your honor will excuse de table, I will go out and take him by de troat, and make him talk to himself like a frog in de wet swamps; de son of a whore, to spake to your honor wid a brogue upon his tongue in such words as dese.

By the brogue, Teague meant the Scottish dialect, which Duncan used.

Teague, said the Captain, the prejudices of education must be tolerated, until time and experience of the world, has lessened or removed them. He is an honest fellow, and I have more confidence in him, than I ever had in you, though his talents have not appeared equal; at least if I am to judge from the estimate made of you, by these who have a better right to judge than I have. However, I am unwilling to have any disturbance between you, and therefore, must insist that you leave him to the reprimands which I myself have occasionally given him, and shall continue to give him, until he attains a better knowledge of the nature of things in this new hemisphere, so different from those to which he has been accustomed.

This put an end to any altercation between the two, the revenue officer and the waiting man, for the remaining part of that day, as they trudged together until they came to the inn at night, and having supped were about to go to bed. It was what in some places is called an ordinary; that is, an indifferent tavern, of but mean accommodations. The house was small, and there was but two beds for the reception of strangers; one of these so indifferent, as to appear fit only for the servant of a gentleman, who might happen to travel the road, though large enough to contain two, or three persons. What it wanted in quality of neatness, and perhaps cleanliness, was made up in dimensions. This bed therefore seemed naturally to invite the reception of two of the company.

Teague, said the Captain, when about to go to bed, I think Duncan and you, being the younger men, may pig in together in that large bed, and leave the other to me who am an older man, and am apt to tumble and toss a little, from weariness in my ride; and may perhaps disturb you in your sleep.

Guid deliver me, said Duncan, frae sik a profanation o' the name o' Ferguson, as to sleep wi' an excise officer. I am na o' a great family, but am come o' a guid family; and it shall never be said that I came to America to disgrace my lineage, by sik contact as that. Gae to bed wi' an excise officer! I wad sooner gae to bed out o' doors; or i' the stable amang the horses.

The revenue officer was affronted at this; and gave way to his indignation. The devil burn me, said he, if I will be after slaping wid you, you son of a whore, you teef luki'g vagabon; wid de itch upon your back; I am sure all your country has de itch; and keep scratching and scratching, as if de were in hell, and could get brimstone for nothing; you son o' d a whore.

The youke! said Duncan. Do you impeach me wi' the youke?

You impatche yourself, said the revenue officer. Did not I see you scratching as you came along de road; and do you tink, you teef, dat I wish to get de leprosy, or de scurvy, and have to sleep in a bag of brimstone two or tree weeks, before I be fit to travel wid his honor de Captain again?

The deel damn me, said Duncan, if I can bear that.

What, swear, Duncan? said the Captain, or curse rather; you that are a Covenanter, and have religious books in your wallet, the Confession of Faith and the Catechisms!

How can I help it, man said Duncan. The deel rive his saul, but I maun be at him.

Duncan had by this time seized his walking staff, and put himself in an attitude to attack his adversary, who on the other hand had, instinctively, ensconced himself behind the captain, and opposed him as a rampart to the fury of the Scot.

Duncan said the Captain, you are in the wrong on this occasion, you gave the affront, and ought to excuse the revenue officer for what he has said, which, by the bye, was not justifiable, on any other ground but that of provocation. For national reflections are at all times repre-

hensible. But in order to compose this matter, and that we have no further disturbance, I will take the large, though more humble bed myself, and sleep with the excise officer, for the reputation of the government who has thought proper to appoint him to this trust.

The deil take me if ye sall do that, Captain, said Duncan; I wad rather take the stain upon mysel, than let my liege be disgraced; for it wad come a' to the same thing in the end, that I had been the waiting man o' ane that had been the bed fellow o' a gauger. O! guid keep us, how that would sound in Scotland. What wad my relation Willy Ferguson, that is professor i the high college o' E'nburgh, say to that? But rather than your honor shu'd take the stain upon you, I sall put up wie it for a night; though if the landlady has a pickle strae, and a blanket, I wad rather lie by the fire side, than contaminate mysel, bedding wi' sik a bog-trotter loon as he is, that wad gae into sik an office for the sake o' filthy lucre, and to make a living; when there are many honest means to get a support other ways.

The landlady gave it to be understood that she could furnish him with a bag of straw and a blanket.

This adjusted the difficulty, and saved the delicacy of the Scotchman, and embarrassment of the Captain, in keeping peace between the bog-trotters; as in reality they both were, though the one had obtained a commission, and the other remained a private person.

CHAPTER IV.

CONTAINING OBSERVATIONS.

THE object of the preceding chapter, has been to give some idea of the prejudices which exist with the inhabitants of Britain, and especially the northern part, against excise laws. This prejudice was, in a great measure, the cause of that opposition to the excise laws of the United States, which terminated in the insurrection of 1794. The western parts of Pennsylvania where this insurrection took place, are peopled, chiefly by emigrants from Scotland, and the North of Ireland, where a colony of Scotch were planted by king James I and which have been denominated the Scotch Irish. At the same time it was unequal to that frontier country, which had turned its attention to the manufacture of spirits from their grain, as in this manufacture, the produce of their fields could more easily be carried to market. In this view of the subject, the reasonings of the more intelligent, fell in with the prejudices of the vulgar. The embarrassing the administration, was also a motive with men of political ambition, and who were in opposition to the administration of that day. But an idea of subverting the government never existed in the mind of any one. But it comes to the same thing, if the government is subverted, whether it was intended or not. And this is a lesson to the people of a republic, that it is better to suffer a *local evil*, than to endanger the safety of the commonwealth, by opposition.

It is an easy thing to excite opposition; but difficult to arrest it at a proper point. The bulk do not distinguish the boundary of constitutional opposition; and unlawful violence. See my *Incidents of the Western Insurrection, in the year 1794*. This will be found a commentary on the preceding observations.

It requires some experience of liberty to know how to use it. The multitude are slaves, or tyrants. The great thing is to preserve a medium between democratic violence, and passive obedience to oppression. These are the two extremes, which are to be avoided. Where

there is a proportion of the people, as always is the case, without property, and who have nothing to loose, nothing is risked by a revolution ; and therefore commotions are not dreaded ; and if a reform is set on foot, it is pushed by such beyond what is salutary, to a revolution. By this, liberty is lost ; and the people blame the despotism which they themselves have produced.

CHAPTER V.

IN the course of the three following days, during which the Captain and the two bog-trotters, journeyed together, a great deal of ill will shewed itself between the understrappers. By the bye, I ask pardon, before I go farther, of the government, for thus confounding the revenue officer with the present waiting man; but I aver, that it is not owing to any disrespect of the government, though it may have that appearance; but is to be resolved simply into the force of habit which I acquired in designating O'Regan in the early part of this narrative, before he was advanced to office; and since that, to the impression made upon my mind occasionally by his conduct, which has not entirely corresponded with the dignity of the commission. When instances occur of this nature, I fall involuntarily into the use of the former epithet, which reflection, doubtless, would teach me to discard. This is my apology; and if it should be attributed to any secret grudge, or dislike of public measures, or persons at the head of our affairs, it will be a great injustice. But, as I was saying, in the course of the following days, much bickering took place between the Hibernian and the Scotchman; or as I might otherwise express myself, between the son of St. Andrew and St. Patrick. The Scot thought the Hibernian defective in grace and manners; both because he did not ask a blessing to his food, and because he took the liberty to eat with the Captain, and to converse with him as on equal terms. Indeed it was the only fault he found with the Captain himself, that he did not say grace to meat, and that he admitted the gauger to this enjoyment of equality. He did not enter fully into the necessary policy of observing the forms of respect to officers of government, merely for the sake of the authority, and as a compliment to the laws themselves. Nor was his knowledge of the human mind, and the modes of acting, sufficient to inform him, that the saying grace at victuals is a matter of form, more than of faith; and that for this reason, some christian sects, particularly the people called Quakers, omit it altogether.

The Hibernian would sometimes beat off, to use a nautical phrase, and disarm his adversary by expressions

of benevolence, as "Love your shoul," &c.; sometimes he would prepare for battle, and be disposed to defend himself; on which occasions it behoved the Captain to interfere, and break off the contest.

The Captain, at length, weary of this trouble, thought of the expedient of dismissing the revenue officer a day or two a-head, in order that he might be apart from the other bog-trotter. This being done, with exhortation that he would go forward speedily, and open an office in the district, the Captain proposed to remain a day at the public house where he then was, in order to give the revenue officer the advantage of the start I have mentioned. In the mean time, hearing of a cave in the neighbourhood, which was thought to be a great curiosity, he took the opportunity of visiting it. The guide led them to it; I mean the Captain and his waiting man, in about an hour's walk from the public house. It was on the bank of a small river; the mouth of the cave opening to the bank. A small stream issued from the cave, and fell into the river, with a fall of a few feet over a rock, rendered smooth by the current of the water. Above this was a shade of spreading beech, with thick foliage, and beneath, towards the strand of the river, was a gradual descent with washed pebbles, and a clear filtrating sand. Hard by the fall of this water, and on the strand of the river, the attention of the Captain was attracted by certain rude sculptures, observable on a flat rock; and also by others on a perpendicular one that composed a part of the bank. There was the figure of the terrapin, the bear, the turkey, &c. It was a subject of reflection with the Captain, whether these impressions had been made by the animals themselves, while the rock had been in a plastic state, and before it had hardened from clay into stone; or whether it was the work of the savages, before the Europeans had possession of the country. He lamented that he had not a philosopher at hand, to determine this. On the bank above, and toward the mouth of the cave, were a number of petrifications to be found; the water that ran here, appearing hence to have a petrifying quality. The Captain considering these, was thinking with himself how good a school this would have been for Teague, had he been admitted a member of the Philosophical Society, as had been proposed at an early period.

The mouth of the cave was of a height and width to receive a man walking upright, and without constraint, on his entrance; after a passage of a few yards, lined with the solid rocks, it opened into an apartment of about eighteen feet cube. The oozing from above formed the stalactites, and would probably in the course of a century or two, fill up this chamber altogether, unless by digging above, the course of the water could be diverted from the roof, and carried off by a conduit on a solid part of the mountain. The floor of the chamber had been raised by the petrification of the water; as appeared from the inequality of surface, formed by the stalactites, and from the testimony of the guide, who remembered the time, not more than fifteen years ago, when the descent to this apartment, was a step of at least a foot from the level of the entrance.

Passing on a few yards more, they descended a step, and came to a second apartment, of a greater extent, and of not less than an hundred feet to the level vault. Here was a vast bed of human skeletons petrified, but distinguishable by their forms. No doubt it had been a repository of savage chiefs, whose bodies, converted into stone by the virtue of this water, were preserved more durably than the mummies of Egypt. The dimensions of some of the skeletons bespoke them giants; that of one measured eight feet, wanting an inch. Duncan, said the Captain, I doubt much whether there have been larger giants in Scotland. Aye have there, half as large again, said Duncan; from the stones that are put up in some castles, there must have been men at least eighteen or twenty feet in height. What can have become of this breed? said the Captain. They have fought wi' ane another, 'til they are a' dead said Duncan. This was the easiest way of accounting for the loss.

There was an ascent of a step or two to the next apartment, which was of an oval form, the conjugate diameter of which was about thirty feet, and the transverse twenty-five. There were the bows and arrows, all petrified, that these warriors had used in life. The water descended not in drops, but through the fine pores of the rock in a gentle dew, and with an impression of extreme cold, so as to endanger life, and probably convert the human body into stone in a very short space of time. The guide thought it not adviseable to remain long, and Dun-

can was anxious to return; the forms of the dead in the chamber behind him leading him to apprehend, that some of their shades might come after them, to enquire the occasion of their visit.

Regaining the entrance of the cave, and emerging into light, I mean the light of day for they had entered with torches, they left the place, and returned to the tavern.

The day following, they paid another visit to the cave, and observed in the chamber of bows and arrows, a pool of limpid water, into which looking, they discovered arrow heads and hatchets of stone innumerable. They took out, and brought away some of them. These had no doubt been first formed in wood, and then put in this water to petrify, and become fit for use. Thus we easily account for the formation of such implements; whereas the idea of being formed out of a stone, in the first instance, by the dint of human labour, and with no other instruments than stone itself, involves great difficulty. This discovery, the Captain, I presume, lost no time in communicating to the Philosophical Society, as will in due time appear, from a publication of their transactions.

Near the entrance, and on the right, was the passage to what is called the petrified grove. This, on their return they entered, and in about thirty steps found themselves in a spacious square, which appeared to have been once the surface of the earth: For here were trees in their natural position, with wasps nests on them, all petrified; and buffaloes standing under, in their proper form, but as hard as adamant. A bleak wind, with a petrifying dew, had arrested them in life, and fixed them to the spot; while the mountain in a series of ages, had grown over them. That which struck the Captain most, was an Indian man reduced to stone, with a bundle of peltry on his back. If the virtuosi of Italy, could have access to this vault, there would be danger of them robbing it of some of these figures, in order to compare with the statues that have been made by hands. When this cave shall have gained due celebrity, there is no question, but that attempts of this nature will be made. I submit therefore, whether it would not be advisable for the connoisseurs of America to apply to the legislature of the state, where the cave is, to prevent such exportation.

The Captain leaving this place, took nothing with him but the skin of a wild cat, which hung upon a stone peg in the side of the grotto, and which he broke off, by giving it a sudden jerk as he turned round. Duncan took a petrified turtle, which he thought resembled a highland bonnet, and said he would scrape it out, and send it for a curiosity to Perth.

CHAPTER VI.

CONTAINING OBSERVATIONS.

IT may be observed, that as I advance in my book, I make fewer chapters, by way of commentary, and occupy myself chiefly with the narrative. It is the characteristic of old age, and may be decorous towards the conclusion of the work. Nevertheless, I shall arrest myself here a little, to reflect on one particular of the discoveries of the Captain; the sculpture on the rocks, which appeared to be the labour of the aborigines of this country. I have not seen these sculptures, for I have not had an opportunity of visiting this cave; but I have seen similar sculptures, in abundance, on the west of the Alleghany mountains. I recollect at an early period to have heard it said, that Ferdinando Soto, had been on the Ohio waters, and as high as the mouth of the great Kenaway; and to have heard it given as a proof of this, that in a particular place near the mouth of that river, the imperial eagle was to be seen engraven on a rock; the eagle which was the ensign of the Spanish monarchy, under Charles V. also emperor of Germany, and the successor of the Cæsars. It was added, on the same ground, that the vestiges of fortifications discoverable in this country, were the remains of Spanish works, and encamping grounds, under Soto. I had understood, that the great Franklin had adopted this hypothesis with regard to these forts, from the sculpture of the eagle. In the winter of the year, 1787, I had the happiness to converse with that sage, and amongst a number of questions, which I had the curiosity, and perhaps impertinence, to ask, I put this with regard to the Kenaway sculpture, and the theory of the vestiges of forts in the western country. I found his ideas to be as I had been informed, and have stated. I was then in Philadelphia.

In the fall of this year, having returned to the western country, a surveyor who had been engaged in surveying lands on the Kenaway, being in my office on some bu-

siness, it occurred to me to interrogate him on the subject of the sculpture. He had seen the engraving of what was thought to be the eagle, but called it a Turkey; which word no sooner struck my ear, than all the hypothesis of the holy Roman eagle, and Ferdinando Soto, fell to the ground. It is a turkey, thought I, which the fancy of the virtuoso and antiquarian, has converted into the king of birds.

Conversing with the surveyor, he gave me an account more minutely of this, and other figures cut upon the rock, viz. the turkey with its wings spread as if just alighting; the deer with his branching horns; and the savage himself, with a large head and long limbs, rudely cut. He added, that he had heard from a hunter whom he well knew, that there was a rock with similar engravings on Cheat river, a small distance above where it falls into the Monongohela; and promised to bring this hunter to give me a description.

About a month afterwards, the surveyor brought the hunter to me, who appeared to have been observant, and to be intelligent. He had seen the rocks near the mouth of Cheat river. The following is the memorandum that I took from him.

"The turkey appears to have alighted at the lower part of the rock, and ran up to the top. You see the track, which it leaves; the stretched back, and the body thrown forward, as between flying and running. There is the figure of a man, with a large head, and horns, and a thin skeleton-like body. There are deer tracks well cut. This rock stands on a bend of the river; and the figures on the lower end, which projects most, are defaced by the water, which rises to this height in the time of floods. There is a horse track. This is the only thing that I think remarkable, if it is a horse track; for, as I do not know that there were any horses here, before the European settlements, it would argue that this engraving had been done since, and by the natives who have come from the Chesapeake, and had seen horses. The settlement made by Captain Smith at the mouth of James river, Virginia, was I believe the earliest made, contiguous to this country."

This hunter gave me to understand, that he had seen a rock, sculptured in like manner on the Kenaway, about eighty miles from its mouth; that is nearly in a line directly west from the rocks on Cheat river.

Having been led into the way of enquiring on this subject, I have found that these engravings are very common throughout the whole western country; that they are discernible all along the Ohio, at low water especially, when the horizontal rocks are left bare; that they are found on the margins of the smaller streams also.

I had heard of one of these on the Monongahela, about forty miles above Pittsburgh, and in the summer of 1793, crossing the country near that place, I spent a part of a day, in going out of my course to observe it. The sculptures were of the same kind, and answer the description before given of those elsewhere. The figures on this are, a bear rudely or rather clumsily cut; a hawk flying with a snake in its beak; the moon and the seven stars; a racoon; a human arm, and human feet, well done; a buck with branching horns; the turkey; and a number of others. I want no other proof that these sculptures were by the natives, than the form of the feet, which are unquestionably Indian; the narrowness, and smallness of the heel evinces this. It might also be induced as a presumption, that there are the vestiges of a fortification, such as has been mentioned, just above on the hill. For it is reasonable to suppose, that these works of leisure and taste, were most likely to be pursued in the neighbourhood of such a work. But what has been at all times conclusive with me, that these engravings are the works of the natives, is, the circumstance that no alphabetic mark of any language, or Roman or Arabic numeral, is found amongst any of these. For it is well known, that it is a thing which would occur to any European, who should amuse himself in this manner, to impress the initials at least of his name, and the digits of the year. I had put this question to the surveyor and hunter, of whom I have made mention, with regard to letters and numeral marks, and found that none had been observed by them, on the rocks which they had seen. On that ground, independent of all others, I made the deduction I have stated.

I consider these sculptures, as the first rude essays of the fine art of engraving; and to have been the work of savages of taste, distinguished from the common mass, by a talent to imitate in wood or stone, the forms of things in nature, and a capacity of receiving pleasure from such an application of the mental powers. Whilst a chief of genius, was waiting for the assembling of other chiefs, to

hold a council ; or while the warrior was waiting at a certain point for others, that were to meet him, he may have amused himself in this manner ; or it may have been the means to cheat weariness, and solace the intellectual faculty, when there was no counselling in the nation, or wars to carry on.

Happy savage, that could thus amuse himself, and exercise his first preeminence over animals we call Beasts. They can hunt, and devour living things for food ; but where do you find a wolf, or a fishing hawk, that has any idea of these abstract pleasures, that feed the imagination ? Why is it that I am proud and value myself amongst my own species ? It is because I think I possess, in some degree, the distinguishing characteristic of a man, a taste for the fine arts : a taste and characteristic too little valued in America, where a system of finance, has introduced the love of unequal wealth ; destroyed the spirit of common industry ; and planted that of lottery in the human heart ; making the mass of the people gamblers ; and under the idea of speculation, shrouded engrossing and monopoly every where.

It would seem that the sculptures of which I speak are the works of more ancient savages, than these which have lately occupied this country ; these tribes not being in the habit of making any such themselves, and the figures evincing an old date, being in most places, in some degree effaced, by the water of the river, or the rain washing the rocks, on which they are engraven. They would seem to have been a more improved race, who had given way to barbarians of the north, who had over-run the country. It is generally understood, by the tradition of the present Indians, and the early French writers, Charlevoix and others, that about the beginning of the present century, the Six Nations conquered this country, and expelled the former owners ; and the word Ohio, is said to mean bloody, and was the name given it from the blood shed upon its waters at that time.

The fortifications of which we speak, must have also been works of defence, of that or an earlier period. From the trees growing upon the mound, or parapet of these, they must be, some of them, many hundred years old.

It will strike the reflection, how was it possible for the human mind to remain so long in so low a stage of improvement, as was the case with these, the aborigines of

this country. Perhaps the more puzzling question would be, whence the spring that could have sufficient energy to rouse from it. I shall leave this to philosophy, thought, and historical deduction. Enough has been said at present.

CHAPTER VII.

ON the third day, renewing their journey, the conversation between the Captain and his servant turned on the character and history of the present revenue officer, the late Teague O'Regan. The Captain gave Duncan a relation of what had appened; in the case of the attempt to draw him off to the Philosophical Society, to induce him to preach, and even to take a seat in the legislature of the United States; that had it not been for a certain Traddle, a weaver, whom they had been fortunate enough to substitute for him, the people would most undoubtedly have elected Teague, and sent him to Congress.

Guid deliver us! said Duncan; do they make parliament men o' weavers i' this kintra? In Scotland, it maun be a duke, or a laird, that can hae a seat there.

This is a republic, Duncan, said the Captain; and the rights of man are understood, and exercised by the people.

And if he could be i' the Congress, why did ye let him be a gauger? said Duncan.

This is all the prejudice of education, Duncan, said the Captain. An appointment in the revenue, under the executive of the United States, ought not to have disgrace attached to it in the popular opinion; for it is a necessary, and ought to be held a sacred duty.

I dinna ken how it is, said Duncan; but I see they hae every thing tail foremost in this kintra, to what they hae in Scotland: a gaugera gentleman; and weavers in the legislature.

Just at this instant, was heard by the way side, the jingling of a loom, in a small cabin with a window towards the road. It struck Duncan to expostulate with this weaver, and to know why it was that he also did not attain a seat in some public body. Advancing to the orifice, as it might be called, he applied his mouth and bespoke him, as he sat upon his loom, thus: Traddle, said he, giving him the same name that the Captain had given the other; why is it that ye sit here, treading these twa stecks, and playing wi' your elbows, as ye throw the thread, when there is onc o' your occupation, not far off, that is now a member of the house o' lords, or com-

mons, in America; and is gane to the Congress o' the United States? canna ye get yoursel elected; or is it because ye dinna offer, that ye are left behind in this manner. Ye shud be striving man, while guid posts are gaeing, and no be sitting there wi' your backside on a beam. Dinna your neibors gie ye a vote. Ye shud get a chapin o' whiskey, man, and drink till them, and gar them vote, or, ye should gae out and talk politics, and mak speeches.

Such was the address of Duncan, meaning nothing more than to amuse himself, with the idea of a manufacturer obtaining a seat in the legislature, and making laws instead of warping webs. But in the mean time, the wife of the mechanic, who had overheard the conversation, and was incensed at an attempt to take her husband from his business, seizing a pot-stick and running out, and turning the corner of the house, laid a blow upon the posteriors of the orator; accompanying her force with reproachful words to this effect:

Will you never let the man alone, said she, to mind his business, but be putting these notions in his head. He has been once constable, and twice member of assembly; and what has he got by it, but to leave his customers at home, complaining of their work not done? It is but little good that has been got of him these three years, but going to elections, and meetings, and talking politics; and after all, what does he know of these matters? just about as much as my brown cow. A set of lounging louts, coming here and taking up his time with idle nonsense of what laws should be made, and urging him to be elected; and William Rabb's wife waiting for her coverlet this three months, and Andrew Nangle for his shirt cloth. It is enough to put a woman in a passion that has the temper of a saint, to have her man's head turned so from his own affairs, by idle vagabonds that come the way, in this manner.

At this, she made another effort, and springing forward was about to impress a second blow; when Duncan retreating, and lifting up his stick in his turn, accosted her in these words: "Gin you were a man, as ye are a r uckle witch, I should be for taking ye wi' this rung across your hurdies. Is it any affront to have it evened to your man Traddle, to gae to the senate, and to get a post i' the government, and no be knotting threads here, wi' his shuttle, like a tradesman o' Paisly? Ye vile carlin, ye maun be a witch, or a warse body, to take a stick in your hand,

like a driver o' stots, and come pelmel, upon a man ahint his back, when he is na speaking till ye. Foul fa' me, but if it were na a shame to battle wi' ane o' your sex, I wad break your back with a lunder, before ye knew what ye were about. To keep this honest man here, shut up like a prisoner under ground, in a dungeon, drawing a reed till him, instead o' throwing out his arms like a Latin scholar, or a collegian, making his oration to his hearers? Are ye chained there, (turning his speech to Traddle,) that ye stay sae contentedly yoursel, man, and dinna break out, and escape frae the fangs o' this witch."

This witch! said she, (apprehending danger from a second address to the weaver) this witch! I shall witch you to some purpose, you vagabond. With this she made a hasty step, and was nearly on the back of the Caledonian, with her pot-stick, having made a stroke at him, which he evaded, by taking to his heels, and retreating speedily. The Captain in the mean time had rode on, and left them to complete their dialogue.

CHAPTER VIII.

DUNCAN had affected the wag on the late occasion with the manufacturer and his wife, and had like to have suffered some alloy of pain from the blows which were inflicted, or were meditated. But at the public house, in a village, a little way ahead this day, where they halted about noon, a circumstance happened which changed his view a little, and disposed him to sadness, rather than to play the wag with his neighbours on the road. While the Captain had reclined, and was asleep on a sofa, a constable had apprehended Duncan with a warrant; commanding this officer to take the prisoner before a justice of the peace, by whom it had been issued. Duncan had taken for granted, that it was the weaver's wife who had made complaint, and sent after him, on account of the threats he had made to chastise her. The bustle in apprehending him, had made a noise in the porch, and awakened the Captain. Duncan, said he, what is the matter? Lord deliver me, said he, if I ken. They say I am a prisoner. The bailiff here has ta'en me wi' a warrant. It maun be that witch the weaver's wife, that has made a complaint, just because I was jesting a wee, about her husband gaeing to the legislature; and she did na take it weel, but amaist brake my back wi' her spurtle; and now she has ga'en awa and sworn belike that I strak her; for this is the way o' these witches, that they turn states evidence, and swear for themselves against honest people.

Duncan, said the Captain, this is what comes of your meddling with politics. You must undertake to say forsooth, who is qualified to be a representative of the United States; you must insist upon an industrious mechanic to relinquish his occupation; and this not from any opinion of his fitness for such appointment, or any principle of love for the public good; but merely for your pastime, and in ridicule of a republican government in this country. For though there have been instances of chusing weavers for the legislature, and coblers, and coopers, why make a burlesque of this? Have not the people a right to make such a choice? yet because these things are not common in Scotland, it must be the subject of a

laugh here. Had you been serious, there could have been no fault found; but the insult lies in your making a jest of it, which was evident from your manner, in turning aside from the highway to address a weaver through the window of a cellar; and in an abrupt manner, to introduce an expostulation with him on the subject of election. No wonder that the termagant his wife, who did not relish the proposition, even in a serious point of view, was offended, and disposed to inflict blows; and, on the resistance made on your part, and threats probably thrown out, has applied to a justice of the peace, and obtained a warrant to commit you to the custody of the law.

What can they make o' it? said Duncan.

I do not know, said the captain, what offence it may be in law, but certainly it was a great indecorum to amuse yourself, not at the expence of a mechanic, but indirectly at the whole body politic of the union; not that I think it unbecoming to send such as Traddle to deliberative assemblies; but that you seemed to think it so; because it is a thing not known in North-Britain, where aristocratic principles prevail. You might have meant this a pleasantry; but it may be construed a reflection upon a republican government, and to destroy the rights of man, in the first germ and principles of their existence.

They canna make high treason o't, said Duncan.

I do not know, said the Captain, what a strict judge might make it, I should think it could not be made a hanging matter. However let us see the warrant, and enquire what the justice of the peace has made of it.

I shall not shew the warrant to any man, said the constable, but to his worship, justice Underchin, to whom I must carry the prisoner immediately. So come along; come along; the justice will shew you the warrant.

There being no help for it, Duncan was obliged to go along, the Captain accompanying him. Being brought before the justice, Ah, have ye nabbed him? said his worship: I am glad ye have got him; a great rascal.

There is no question, said the Captain, stepping forward, and addressing the justice, but the young man has acted with considerable imprudence; but ignorance of the world, and especially of the laws and customs of America, has been the principal cause of his intrusion. Though he has not been long in my service, yet I am disposed to speak with some confidence of his civility in general. But may it please your worship, in what shape

have you brought the charge. Is it an assault and battery, or what?

I make it bastardy, said the justice; what else would I make it.

Bastardy! said the Captain. It might be fornication, or adultery; but how can it be bastardy in so short a time? It cannot be a rape, that your worship means. There was no rape, or fornication, or adultery in the case, I will engage that. And how can there be bastardy? some very hot words passed between him and the woman, and strokes might have been given; but there was certainly no disposition, as far as I could see, to beget bastards; nor was there time for it. They were not in such a very loving humour, when I left them; nor did he stay behind me above twenty minutes on the road.

The justice was a little swarthy man, of a corpulent habit, seated in an elbow chair, with pen, ink, and paper on a stand by him. He threw himself back, as he spoke; leaned his head alternately on the right and left shoulder, and bridled his lips, as the phrase is, discovering in the affectation of his manner, great pride of office, and apparent satisfaction in having caught a criminal. Endeavouring to be witty at the embarrassment of the present culprit, and expressions of the Captain, why Mr. said he, addressing himself, to this last, though I do not know who you are, that are so willing to assist me in the examination of this vagrant, yet I will observe to you, that I make no doubt that some hot, or at least warm words, have passed between them; and strokes as you call it might have been given; but as to the time of twenty minutes, or a longer period, it is of no consideration in the law; provided the woman swears, as this one has done, that she is with child by him. Nor will his ignorance of the customs of America excuse him; we must commit him, or bind him over, if he can find security, to appear at the sessions, to take his trial for the fornication.

Wi' bairn! said Duncan. She might just as well have ta'en an oath, that I was wi' bairn to her. Was na her man Traddle, sitting on his loom looking at us a' the time. O the false jade! I get her wi' bairn! I wad get a witch wi' bairn as soon.

It is extraordinary, said the Captain; that she could be certain of her pregnancy in so short a time?

So short a time! said the justice; do you call six months a short time?

It is not six hours, said the Captain, nor the half of it, since the fracas happened.

Guid guide us ! said Duncan, who was standing on the back ground, making his soliloquy ; Guid guide us, that I should come to America, to be tri'd for getting a woman wi' bairn. What will Mr. Dougal, our minister, think o' this ? after ha'ing the Confession o' Faith wi' me, and sae mony guid bukes. Standing on the stool is bad enough ; but nathing to the way they hae i' this kintra, o' taking a man wi' a bum, and bringing him before a magistrate ; just the same thing as he were a sheep stealer. O' the base jade, to swear a bairn upon me ; what will my ain folks say, when they hear o' it in Scotland ? It will be a stain upon a' my kin to the third generation. It was the deel himsel put it in my head, to stand talking wi' a fool weaver about his election. I wish I were in Perth again, and out o' a' this trouble.

Six hours ! said the justice answering to the Captain. Is it not six months, Sampson, referring to the constable, since this pedlar left this settlement ?

Pedlar ! said the Captain ; he never was a pedlar ; nor is it six months since he left Scotland. He was recommended to me by a gentleman whom I knew very well, Mr. M'Donald, as a lad just come over. So that it is impossible he could have been here six months ago.

I am no sax months frae Perth, said Duncan.

Is not your name Ryburn, said the justice, and are you not that Scotch pedlar that was in this settlement two or three months ? Can there be any mistake ? referring to the constable ; is not this Niel Ryburn, for whom the warrant calls ?

It is the very man, said the constable. I knew him by his dialect the moment I saw him in the porch at the public house, talking with the hostler. He has the same brogue upon his tongue, and says Guid guide us, just in the same manner : only at that time he used to say also, by my fa'th, and by my sa'l, more than he does at present. He has become religious since, or pretends to be so, in order to deceive your worship. But at that time, he had not much religion about him, and had no guid bukes, as he calls them, in his pocket ; but could damn his sa'l, and swear like a devil.

Niel Ryburn ! said the Captain, that is not the name of my valet. It is that of Duncan Ferguson. But pray

who is the woman that he is said to have got with child? The weaver's wife is the only one that he has had a conversation with to my knowledge; and as I said before, they were not much in the way of making love when I left them.

A weaver's wife! said the justice; no, Mr. M'Radin, or whatever else they may call you; it is no weaver's wife; it is Kate Maybone, that has made oath against him. He had carnal knowledge of her about six months ago, when he was in this settlement pedling, and got her with child.

I perceive, said the Captain, we are all at cross purposes, and under a mistake in this business. This North Briton—

Stop, said the justice, if you are to give your testimony, Mr. with the cocked hat, speaking to the Captain, we shall take it by yourself; and not let the pedlar hear it, to enable him to frame his story to the same purpose.

Accordingly Duncan being withdrawn, in the custody of the constable, the Captain was examined, and related the particulars on oath of all that he knew respecting the prisoner; and now being ordered to withdraw, the prisoner was called in and interrogated.

His story was to the same effect with that of the Captain, and would seem to distinguish him from his countryman named in the warrant; but his Scottish dialect founded the presumption of identity so strongly, that it was difficult, if not impossible, to get over it.

I see, said the justice, that they have framed their stories by collusion. They are a couple of ingenious rascals; though one of them, the pedlar, affects great simplicity; and the other vouches for him that he is ignorant. I believe I must commit them both; the one for bastardy, and the other for horse-stealing. For the circumstance of having but one horse between them, is extremely suspicious, and renders it probable that they must have stolen that one. The story which they tell, of having come in company with a revenue officer, whom they have sent ahead on foot, is absurd, especially when you add what the one who is called Captain tells, of this officer having been once his servant, or passed for such, under the name of Teague O'Regan, and bog-trotting, as he calls it, in the manner that this Duncan, which he pretends is the name, does now; and yet even then being

likely to be taken from him to preach, to go to congress, and the Lord knows what : It is impossible ; it must be a falsehood ; and the probability is, that this fellow, this Captain, is the head of a gang of horse-thieves ; and this Scotch pedlar, and the Irish revenue officer, are understrappers, with him, in the trade.

This being signified to the Captain, who was now called in, he addressed the justice to the following effect : Mr. Justice, said he, what I have related to you upon oath, however improbable it may appear, is the fact ; and as to your surmises of horse-stealing, they are groundless ; and you may commit if you think proper, but you shall answer for the consequences. It is no small matter to deprive a citizen of his liberty, and I am not so much unknown to the government, as not to obtain redress against an ignoramus like you, who disgrace the commission by your stupidity, as many of the same office do. The utmost of your power is to commit ; but it may come in my turn to impeach for your abuse of power. What proof, or presumption have you, that I have stolen horses ? Is it that of having a servant on foot, rather than having one mounted ? If I had stolen one horse, could I not as well have stolen two ? The presumption is the reverse of what your worship states. As to the North Briton, who is charged with bastardy, by the name of Niel Ryburn, with a certain Kate Maybone, where is the woman ? cannot she be brought face to face with the man, and confronted ? Let her then say if this is Niel Ryburn ; and that this simple lad is the person who begot a child with her, six or eight months ago. I am persuaded he was on the east of the Atlantic at that time, and if she could become pregnant by him, she must have been on that side also. Let this matter be examined.

From the sedate and firm manner in which the Captain had expressed himself, the justice began to be apprehensive of having been mistaken, and was intimidated. He was willing therefore to send for the woman who had made the oath. Being in the village, she was in a short time brought before his worship, by the constable who had been dispatched for that purpose.

Kate, said the magistrate, is not this the Scotch pedlar, the father of your child, and against whom you have made oath ?

The father of my child ! said Kate ; does your worship think I would let such a servant looking son of a bitch as

that get me wth child? does your worship mean to affront me, by having him taken up in the place of the moving merchant, Mr. Ryburn? no, no; he is not the father of my child. I never saw the clumsy looking dunce in my life before.

Duncan was well pleased to be relieved from the charge of bastardy; but at the same time a little hurt, at the undervaluing of the witness.

Young lady, said he, I wish you muckle joy o' your big belly, but I dinna envy the pedlar o' his guid luck, o' haeing you wi' bairn. If I was to stand i' the stool, it should be for anither sort o' loking lassie; and no sik a brazen fac'd ane as ye are.

Kate was about to make reply; but the justice not thinking it comported with the dignity of office, to suffer an altercation in his presence, and being chagrined at not finding this to be the real culprit, released the arrest, with ill humor, desiring Captain, prisoner, Kate, and constable, to be gone about their business.

CHAPTER IX.

THE second day after this, in the afternoon of the day, as the Captain and his man Duncan were advancing, on their journey, they perceived a person ahead, coming towards them, with a long slouching walk, as if in considerable haste, and a stick in his hand. If that man had not his face the wrong way, said the Captain, I should take him for the revenue officer, Teague O'Regan; he has a good deal of his appearance, both in his person and his gait. But he cannot have mistaken his direction so much as to be coming this way, instead of going to his district.

I dinna ken, said Duncan; these Irish ay put the wrang end o' their speech foremost; and why not put the wrang end o' their course now and then.

As they were debating, the person approached, and it was discovered to be Teague.

He had advanced to a pass of the mountain, where he was met and opposed by two men of an athletic personal appearance, who forbade him, at his peril, to proceed farther. They were armed with clubs, and presented a very choleric countenance. The revenue officer had thought it not advisable to encounter them, being two to one, and proposed rather to fall back, and join himself to the Captain and the Scotchman, who might support him in his march.

These two men were of the name of Valentine and Orson; so called, either from the fierceness of their nature, or from their superior strength, resembling the two champions of that name, of whom we read in books of romance. They had been born and bred in these mountains.

Valentine had the advantage of some education with a Welch school-master, who passed his native language upon the young man for Latin; so that conceiving himself to have acquired the rudiments of this tongue, and therefore qualified to enter on the study of some one of the learned professions, he had deliberated whether he should plead law, preach, or be a physician; but happening one day to see a member of Congress riding along, with a boy behind him carrying a portmanteau, he had

taken it into his head to be a member himself, and had canvassed frequently for that delegation, but had been disappointed; one person and another coming forward, and taking off the votes. He had made up his mind for some time past to make an experiment of personal force, to intimidate competitors. For this purpose, he had taken to his assistance another young man of the name of Orson, whom he found in the neighbourhood, and with whom sallying out as a kind of squire, or armour bearer, he could knock down any one that had the impudence to set up against him in the district. Orson had not actually been suckled by a bear, like his namesake in romance; but he was a rough, stout man, and well qualified to bear a part in this mode of canvassing.

The rumour had prevailed by some means, that Teague was coming forward to stand a trial in that district; whether propagated by some wag, who passed him on the road, and was disposed to amuse himself with the apprehensions of the two rustics; or to some mistake on the part of travellers, who had come through the village in the neighbourhood.

The Captain, however, and the revenue officer himself, had resolved their menace into a dislike of the excise law, and a wish to intimidate, or prevent by force, the opening an inspection office in that district.

Under these impressions, advancing to the pass, they were met by the young men, who made a shew of battle; though on their part not a little disconcerted at seeing Teague return with a reinforcement, and with the advantage of cavalry.

The Captain placed himself in the centre, on horseback, and a little in advance of the two wings on foot, Duncan and Teague. The North Briton preserved a composed manner, and shewed a steady countenance. The Hibernian, on the other hand, willing by an appearance of great rage, and much valor, to supersede the necessity of battle, or blood-shed, stood with his right foot before his left, flourishing his cudgel, and grinning like an angry person, who was impatient for the onset.

As is the manner of heroic men, the Captain thought proper, before the commencement of hostilities to accost the adverse combatants, to see whether it might not be in his power to remove, or at least allay their prejudices against the obnoxious law, and induce them to suf-

fer the officer to pass. Accordingly he addressed them in the following words :

Gentlemen, said he, the law may be exceptionable on general principles, or locally unequal in its operation to you in this district. Nevertheless, it is the law, and has received the sanction of the public voice, made known through the constitutional organ, the representatives of the people. It is the great principle of a republican government, that the will of the majority shall govern. The general will has made this a law, and it behoves individual minds to submit.

I wad na sleet and prig wi' them, said Duncan, stepping forward and flourishing his cudgel. I wad na hae many words about it. But just see at once whether they will dare to stap the high road. Gin they persist, I can tak ane o' them, and ye and Teague, can tak the ither, and my lug for it, I sal gie the ane that fa's to my lot, a weel payed skin, I warrant him. Sae dinna ye tak up time fairlying about the matter ; but gae on, and try our rungs o'er the hurdies o' them. I sal gar this stick crack o'er the riggin o' the loons, in a wie while.

Teague, in the mean time, was on the back ground, endeavouring to look sour, making wry mouths, and grinning occasionally : all this with a view to support the threats of the North Briton.

Duncan, said the Captain, for he had not attended to Teague, put up your cudgel. Policy oftentimes avails more than force. The law in question may be odious, and great allowance ought to be made for the prejudices of the people. By soft measures, and mild words, prejudices may be overcome. These appear to be but young men ; and rashness is a concomitant of early life. By expostulation we may probably have the good fortune to be able to pass on, without being under the necessity to attempt battery, or shed blood.

The two young men were not to be intimidated by a shew of cudgels, or grinning, and wry mouths ; but still conceiving that the object of the Captain was to force an election in favour of his precursor, the Hibernian, and not understanding the scope of his harangue, but supposing him to speak of the law of election, where the votes of the majority, that is the greater number of votes, constitutes the representative, they were as much disposed to use force as at first ; and, advancing, appeared ready to sustain the shock.

An affray must have ensued; for the Captain having taken every possible measure to avoid blows, was now resolute to force the pass, even at the risk of battle. But just at this instant, a grave man coming from the village, who had known the character, and had been frequently a witness of the conduct of the young men, addressed them: "Young men, said he, will you be eternally running into errors of this kind. Have you interrogated these gentlemen, and understood from themselves whether any of them are candidates, and mean to disturb you by setting up for Congress in this district? It is possibly the humour of some wag coming up the road, and knowing your disposition, that has created the surmise."

The fact was, that some wag who had passed Teague on the road, and who had known the apprehensions of Valentine, had given rise to the report. For he thought to amuse himself by it, knowing the extravagancies into which it would of course throw the two young men. For the whole country, not long before that time, had heard in what manner they had mistaken individuals for public candidates. On one occasion they had fought with a mason and his barrow-man, and abused them considerably. On another occasion, they had knocked down a potter with a bag of earthen-ware, and broke several of his vessels. For this reason, the grave man, of whom I spoke, who had got a hint by some means of what they were about, had traced the young men, and coming up at the critical moment, addressed them as I have before said, exhorting them to make enquiry first, whether their apprehensions were well or ill founded; and not to take it for granted that either of these personages, were competitors for Congress, before the fact had been ascertained, and their pretensions considered by an amicable expostulation.

Candidates for congress! said the Captain; what could have put that into the young mens heads? it is true, this bog-trotter, who is now an excise officer, was on the point once of being a candidate, or at least of being elected a representative of the union; but having escaped that, though with some difficulty, he is now in the executive department; and has received an appointment to the collection of the revenue of a district beyond this, to which he is now on his way; and is far from having any thoughts of an election of any kind whatever.

The two young men, at this, were relieved from their fears, and their minds seemed dilated with unusual joy.

Stepping forward, they shook hands with Teague, and invited him to drink with them; but the Captain apologized, alleging the necessity on the part of O'Regan, to press forward as speedily as possible, and to be on the spot where the functions of his duty called him. This apology seeming to suffice, they all three made obeisance to the young men, and to the grave-looking man; and passed on.

CHAPTER X.

CONTAINING REFLECTIONS.

IT may be thought preposterous in these young men to attempt force in the matter of an election. That depends on their possessing any other faculty by which they could succeed. Have not all animals recourse to those means of providing for themselves, which nature has given them? The squirrel climbs a tree, while the wolf runs through the brake. The cat lies in wait, and watches for her prey; while the greyhound pursues with open mouth, and seizes the hare or the fox.

Valentine would not seem to have possessed the advantage of mental recommendations; he could not have it in his power to allure and persuade. Why not therefore act by compulsion, and use force? But why not make application of this force upon the voters themselves, and knock down either before or after an election, all those who had been obstinate in withholding their suffrages? It is probable that experiment had been made of this, and that it had been found ineffectual. What then remained but to repel the intrusion of competitors. It was more convenient, as there were fewer of these; at least it rarely happens, that there are as many candidates as voters. It seems more natural, as beginning at the source and repressing the pretensions of the canvassing individuals, who are usually the first movers in the business. It is of the nature of a summary proceeding, and avoids delay, to break the head of a competitor, and induce him by fear, if not by modesty, to desist.

It may be queried, what respectability in the capacity of legislators can such persons have, after having been elected, without the requisite information on state affairs, or talent of eloquence, to make a figure in a public body? That is no business of mine. It belongs to these that set up for such appointment, to consider this. It may be said, however, that it is not necessary that all should make a figure in the same way. In the exhibition of a circus, you will be as much diverted with the clown who mounts a horse clumsily, or who, attempting to tumble, falls on his backside, as with the greatest activity shewn by the

master. In music, bass is useful ; nay, may be thought to be necessary to mix with the treble. An illiterate and ignorant member of a deliberative assembly, forms an agreeable contrast with the intelligent ; just as in gardening, we are pleased with a wild copse after a parterre.

It may be thought a *vesania*, or species of madness, to entertain such an inordinate passion for the legislature. Not at all : it was not a madness properly so called, by which I mean a physical derangement of the intellect. The cause was merely moral ; and the derangement only such as exists in all cases, where the mind is not well regulated by education, and where the passions are strong and intemperate. This young man Valentine had conceived, at an early period, the idea of becoming a legislator ; and as has been said, from seeing some member of Congress pass the road, with a servant and portmanteau also ; not at all comprehending the necessity, or at least usefulness, of a knowledge of the geography of the world in commercial questions ; or of history in political : he had been accustomed at home to run a foot race with a wood-ranger ; to lift a piece of timber at a house building, or log-rolling ; or to wrestle at cornish-hug with the young men of the village ; and had imagined that the same degree of strength and dexterity, which had given him a superiority, or at least made him respectable in these, would raise him to reputation in the efforts of the human mind.

Why need we wonder at an uneducated young man judging so preposterously on great subjects. It is not to be presumed that he ever had an opportunity of reading Cudworth's Intellectual System, or any other writer on "*the eternal fitness of things*." This belongs to the schools ; I mean the higher academies, where metaphysics, and the co-relate science of logic, is taught.

I am aware that malevolent persons, judging from their feelings, will allege that in the caricature I have given of the mountain candidate, I have had some prototype in view, and hence intended a satire upon individuals. It will not be a fair deduction ; unless it is restrained simply to this, that something like it has occurred in the course of my observation, which has given rise to my idea of the picture.

Now that I am upon the subject of elections for deliberative assemblies, I will make a few general observations, without meaning to give offence to any one.

There are but two characters that can be respectable as representatives of the people. A plain man of good sense, whether farmer, mechanic, or merchant; or a man of education and literary talents. The intermediate characters, who have neither just natural reflection, nor the advantage of reading, are unnatural, and can derive no happiness to themselves from the appointment; nor can they be of use to the commonwealth.

But men err, not only judging falsely of their capacity for a public trust, but in the means of obtaining it. I have in view, not only all indelicacy in the solicitation of votes, but in the management that is too often used on election days in changing tickets, obstructing windows, voting more than once; a thing tolerable perhaps, or at least excusable, in the election of a sheriff, an office of profit; but which ought to be considered indelicate in a competition for honor. It is impossible for any law to reach the cure of this evil; it can be remedied only by attaching disgrace in public opinion, to these or the like arts. I do not mean to represent as indelicate the candidates offering to serve. For I would rather be accused of forwardness to offer myself, than of affectation to decline, when I was willing to be elected. The one savours of cowardice and falsehood; the other, at the worst, can be called but vanity.

The wise and virtuous exercise of the right of suffrage, is the first spring of happiness in a republic. If this is touched corruptly, or unskillfully, the movements of the machine are throughout affected. Not only judicious regulations by positive law are necessary to secure this, but the system of family and scholastic education ought to contemplate it. An advice which no father ought to fail to give to his son should be to this effect—"Young man, you have the good fortune to be born in a republic; a felicity that has been enjoyed but by a small portion of the race of man, in any age of the world. In some ages it has been enjoyed by none at all. It is a principle of this government, that every man has a right *to elect*, and a right *to be elected*. In the exercise of the first, the right to elect, be taught my son, to preserve a scrupulous and delicate honor: and as at school, the sense of shame amongst your equals, would restrain you from all fraud, in obtaining a game at fives; so much more now that you are a man, let it restrain you from all unfairness in

this the great game of man. With regard to being elected, your first consideration will be your talent.

Quid valeant humeri, quid ferre recusent.

At school, you would despise the boy who would set himself forward, as an expert swimmer or wrestler, who was deficient in skill at these exercises. In order to be respectable, put not yourself above your strength. If you covet the honor of a public trust, think of qualifying yourself for it; and let the people think of chusing you to discharge it; that is their business. Lay in a stock of knowledge by reading in early life. Your old age, by these means, will acquire dignity; and appointments will readily follow. You will be under no necessity of soliciting inordinately the suffrages of men."

CHAPTER XI.

THE Captain and the two on foot journeyed from hence together, without any material incident falling out, or any thing to attract the attention; save what arose from the sparring of the bog-trotters. This took place on the ground of irreligion in Teague, and disregard for the covenants; but more especially on a difference of opinion with regard to the desert of their respective services, in the late rencounter with the highwaymen, as they were disposed to call them; Teague alleging that he had intimidated them by grinning, and wry mouths; Duncan claiming the credit by the display of his cudgel. The Captain had a good deal of trouble, in parrying a decision of their respective pretensions; or adjusting them in such a manner as to satisfy both. They were likely sometimes to come to blows. He was relieved, however, by the approach of the revenue officer to his district, into which they now began to enter.

After some days peregrination through it, having made choice of a central situation, it was thought proper to open an inspection office, which was done by hiring a house, and writing over the door, *Inspection Office of Survey, No. &c.*

Suspicion had existed on the part of the government, that opposition would be made in this district to the opening an office; or at least to the collection of the revenue. These were founded not only in reports of threats of that nature; but in some instances of actual violence, clandestinely committed on deputies. It was for this reason, amongst others, that the President had made choice of O'Regan, a stout and resolute man, as he thought him, with a shelalah in his hand, who could repel occasional insults. So far these suspicions appeared to be without foundation; the officer having conspicuously traversed the district, and opened an office without molestation.

The Captain was now about to return home, having seen the establishment of his ward in an office under government. But before he parted with him, he thought it not amiss to give him lessons with regard to the discharge of his duty in his present appointment. With this view, drawing him into a walk the second day, a small distance

from the village, he began his lecture in the following words :

Teague, said he, for I am still in the habit of giving you that appellation, not having yet ascertained whether you are to be stiled, your worship, your honour, or your reverence ; or at least not having yet been accustomed to add these epithets ; Teague, I say, you are now advanced to great dignity ; a limb of the executive of the union. It is true, your department is ministerial. Nevertheless it requires the wisdom of the head to conduct it. But the integrity of the heart is the great object to be regarded. Keep your hands from bribes ; and by a delicate impartiality towards all, even from the suspicion of taking them. I should regret indeed after all the pains I have taken in fitting you for an office, and contributing to your appointment, to hear of an impeachment against you, for a misdemeanor in that office. By conducting yourself with a scrupulous honour and pure morality in your present trust, the way is open to a higher grade of advancement ; and there is no kind of doubt, but that in due time it will be attainable. The President of the United States, from whom you have received your commission, is said to have the virtue, or rather the excess of one, never to abandon the person whom he has once taken up ; or at least to carry his attachment to an extreme of reluctance in that particular ; whether owing to great slowness in conceiving unfavourably of any one ; or to pride of mind, in an unwillingness to have it thought that his judgment could be fallible. You will have an advantage here ; but at the same time there is an ultimate point in this, as in all things, beyond which it is impossible to preserve a man. Bear this in mind, and be honest, attentive, and faithful in your duty, and let it be said of you, that you have shewn yourself a good citizen.

Just at this instant a noise was heard, and, looking up, a crowd of people were discovered at a considerable distance, advancing towards them, but with acclamations that began to be heard. They were dragging a piece of timber of considerable length, which appeared to be just hewn from the woods ; and was the natural stem of a small tree, cut down from the stump, and the bark stripped off. At the same time a couple of pack-horses were driven along, which appeared to be loaded with beds, and pillow cases.

The Captain was led to believe that these were a number of the country people, who having heard of the revenue officer coming to his district, had come forward to pay their respects to him, and to receive him with that gratulation which is common to honest but illiterate people, in the first paroxysms of their transport. Having understood that country to be chiefly peopled with the descendants of the Irish, or with Irish emigrants themselves, he had supposed that hearing the new officer was a countryman, they had been carried forward, with such zeal to receive him, with huzzaing and tumult. On this occasion, he thought it not amiss to turn the conversation, and to prepare the mind and the manners of the deputy for this scene, which being unusual, might disconcert and embarrass him.

Teague, said he, it is not less difficult to preserve equanimity in a prosperous situation, than to sustain with fortitude a depression of fortune. These people, I perceive, in a flow of mind are coming forward, to express, with warmth, the honest but irregular sallies of their joy, on your arrival amongst them. It was usual in the provinces under the Roman republic, when a Questor, of whom a favourable impression had preceded, was about to come amongst them. It is a pleasing, but a transient felicity, and a wise man will not count too much upon it. For popular favour is unstable to a proverb. These very people in the course of a twelve-month, if you displease them, may shout as loud at your degradation, and removal from dignity. At the same time this ought not to lead you to be indifferent, or at least to seem so, to their well meant expressions of favour at present; much less to affect a contempt, or even a neglect of them. A medium of ease and gracefulness in receiving their advance, and answering their address, whether it be a rustic orator in an extempore harangue, or some scholar of the academy, or schoolmaster, they may have prevailed upon to draw up a speech, and read it to you. There is no manner of doubt, but the President of the United States, may have been a thousand times embarrassed with the multitude of addresses delivered, or presented to him; and it required no small patience and fortitude to sustain them. Yet it has been remarked, that he has received them all with complacency; shewing himself neither elevated with the praise, nor irritated with the intrusion. And it is but reasonable, and what a benevolent man would in-

dulge; for it is a happiness to these creatures, to give themselves the opportunity of being distinguished in this manner.

Duncan who had heard a rumour in the village of what was going forward, had in the mean time come up, and understanding from the last words of the Captain what had been the drift of his conversation with Teague, and discovering his mistake, interrupted him at this place. Captain, said he, ye need na be cautioning him against applause, and popularity, and the turning o' the head, wi' praise and guid usage: for I doubt muckle if it comes to that wi' him yet. I wad rather suspect that these folks have na guid will towards him. I dinna ken what they mean to do wi' him, but if a body might guess frae the bed ye see there on the poney's back, they mean to toss him in a blanket. But if it were to be judged frae the tree they hae trailing after them, I wad suppose they mean to make a hanging matter o' it, and take his life a' thegither. There is na doubt but they are coming in a mob, to make a seizure o' the gauger, and the talk o' the town is o' a punishment I dinna understand, o' tarring and feathering. I have heard o' the stocks, and the gallows, and drowning like a witch, but I never heard o' the like o' that in Scotland. I have heard o' tarring the sheep, to keep them frae the rot, but I never heard o' tarring a human creature. May be they mean to put it on his nose, to hinder him frae smelling their whiskey. I see they got a keg o't there in their rear, drawn upon a sled; at least, I suppose it to be whiskey they hae in that keg, to take a dram, as they gae on wi' the frolic; unless it be the tar that they talk of to put upon the officer.

This last conjecture was the true one. For it was tar; and the stem of a tree which they drew, was what is called a liberty pole, which they were about to erect, in order to dance round it, with hallooing, and the whoop of exultation.

The calvacade now approaching, they began to cast their eyes towards the groupe of the three as they stood together.

By de holy faders, said Teague, I see de have deir looks upon me. De look as wild as de White Boys, or de Hearts of Oak in Ireland. By de holy aposties, deir is no fighting wid pitch forks; we shall be kilt, and murdered into de bargain.

Teague, said the Captain, recollect that you are an offi-

cer of government, and it becomes you to support its dignity, not betraying unmanly fear, but sustaining the violence even of a mob itself with fortitude.

Fait, and I had rather be no officer at all, said Teague, if dis is de way de pable get out o' deir senses in dis country. Take de office yourshelf; de devil burn me, but I shall be after laying it down, as fast as I ever took it up, if dis is to come of it; to be hooted at like a wild baste, and shot, and hanged upon a tree, like a squirrel, or a Pady from Cork, when de foolish boys hang him upon de 17th of March, wid potatoes about his neck, to make fun o' de Irish. I scorn to be choaked before I am dead; de devil burn de office for me, I'll have none of it. I can take my bible oath, and swear upon de holy cross, dat I am no officer. By shaint Patrick, and if dere are any Irish boys amongst dem I would rather join wid dem. What is de government wid offices to a son o'd a whore dat is choaked, and cannot spake to his acquaintance in dis world. By de holy apostles, I am no officer; I just took it for a frolic as I was coming up de road, and you may be officer yourshelf, and good luck wid de commission, Captain; I shall have noting to do wid it.

At this instant the advancing crowd raised a loud shout, crying, *Liberty and no excise, liberty and no excise; down with all excise officers.*

Teague began to tremble, and to sculk behind the Captain. By de holy vater o' de confession, said he, dey are like de savages, dey have deir eyes upon me, I shall be scalped; I shall be kilt and have de hair off my head, like a wolf or a shape. God love you, Captain, spake a good word to dem, and tell dem, a good story; or by de christian church, I shall be eat up like a toad, or a wild baste in de forests.

The bog-trotter was right; for this moment, they had got their eyes upon the groupe; and began to distinguish him as the officer of the revenue. An exact description had been given them, of his person and appearance; for these people had their correspondents, even at the seat of government; and travellers, moreover, had recognised him, and given an account of his physiognomy, and apparel.

There he is, there he is, was the language; the rascally excise officer; we shall soon take care of him. He is of the name of O'Regan, is he? We shall O'Regan him in a short time.

Devil burn me, if I am de excise officer, said Teague. It is all a mistake gentlemen. It is true I was offered de comission; but de Captain here knows dat I would not take it. It is dis Scotchman dat is de officer. By my shoul, you may tar and feader him, and welcome.

No, said the Captain, stepping forward, no gentlemen: for so I yet call you; though the menaces which you express, and the appearance of force which your preparations exhibit depart from the desert of that appellation. Nevertheless, as there is still a probability of arresting violence, and reclaiming you from the error of your meditated acts, I address you with the epithet of gentlemen. You are not mistaken in your designation of the officer of the revenue, though he had not the candour to avow himself; but would meanly subject a fellow bog-trotter to the odium and the risk; an act of which, after all the pains that have been taken of his education, to impress him with sentiments of truth and honour, I am greatly ashamed. No, Gentlemen, I am unwilling to deceive you, or that the meditated injury should fall on him, who if he has not the honour of the office, ought not to bear the occasional disadvantage: I am ready to acknowledge and avow, nor shall these wry faces, and contortions of body, which you observe in the red-headed man, prevent me; that he is the *bona fide*, actual excise officer. Nevertheless, gentlemen, let me expostulate with you on his behalf. Let me endeavour to save him from your odium, not by falsenood, but by reason. Is it not a principle of that republican government which you have established, that the will of the majority shall govern; and has not the will of the majority of the United States enacted this law? Will—

By this time, they had sunk the butt end of the sapling in the hole dug for it, and it stood erect with a flag displayed in the air, and was called a Liberty pole. The beds, and pillow cases had been cut open, and were brought forward. A committee had been appointed to conduct the operation. It was while they were occupied in doing this, that the Captain had without interruption gone on in making his harangue. But these things being now adjusted, a principal person of the committee came forward, just at the last words of the Captain.

The will of the majority, said he; yes, faith; the will of the majority shall govern. It is right that it should be the case. We know the excise officer very well. Come lay hands upon him.

Guid folk, said Duncan, I am no the gauger, it is true ; nor am I a friend to the excise law, though I come in company wi' the officer ; nevertheless I dinna approve o' this o' your dinging down the government. For what is it but dinging down the government to act against the laws. Did ye never read i' the Bible, that rebellion is warse than witchcraft ? Did ye never read o' how many lairds, and dukes, were hanged in Scotland lang ago, for rebellion ? when the government comes to take this up, ye sal all be made out rebels, and hanged. Ye had better think what ye are about. Ye dinna gie fair play. If ye want to fight, and ony o' ye will turn out wi' me, I sal take a turn wi' him ; and no just jump upon a man a' in ae lump, like a parcel o' tinklers at a fair.

The committee had paid no attention to this harangue ; but had in the mean time seized Teague, and conveyed him to a cart, in which the keg of tar had been placed. The operation had commenced amidst the vociferation of the bog-trotter, crossing himself, and preparing for purgatory. They had stripped him of his vestments, and pouring the tar upon his naked body, emptied at the same time a bed o' feathers on his head, which adhering to the viscous fluid, gave him the appearance of a wild fowl of the forest. The cart being driven off with the prisoner in this state, a great part of the mob accompanied, with the usual exclamation of " Liberty, and no excise law. Down with all excise officers."

CHAPTER XII.

CONTAINING REFLECTIONS.

IT is time now to make some reflections, were it only for the sake of form; just as the clergyman who divides his text into several heads, and then adds, "we shall conclude with an improvement of the whole; or with a few practical observations or reflections." In early life, when long sermons tired me, the young mind not capable of a long attention, I used to look out for this peroratory part of the discourse, with much anxiety; not that I valued it more than any other, for the intrinsic worth of it, but merely because it was the last. It appeared to me an unconscionable thing in a man to speak too long, when it was left to himself how long he should speak. Ah! if it was known how many curses I have given tedious speakers even in the pulpit itself, in my time, I should be thought a very wicked man. Perhaps some may think that I am a tedious writer. Well; but have not readers it in their power to lay down the book when they think proper, and begin again?

But as I was saying, it has become time to make some reflections, of which it must be acknowledged, I have been sparing in this the latter part of my performance. But upon what shall I reflect? The vanity of things, doubtless. But in what mode shall I present this vanity? In moralizing on the disappointment of the Captain and the revenue officer, with the waiting man Duncan Ferguson, coming forward to establish offices, and all at once made prisoners, and treated as the meanest culprits? or shall it be on the mistaken patriotism of even good, though uninformed men, opposing an obnoxious, and unequal law, not by remonstrance, but by actual force, and thereby sapping all principle, or rather overthrowing all structure of a republican government. No: these are exhausted topics. I shall rather content myself at present, with a dissertation on that mode of disgrace, or

punishment, which was chosen in the case of the revenue officer ; tarring and feathering.

I find no trace of this mode of punishment amongst the ancients, I mean the Greeks, Hebrews, and Romans. Having had occasion lately to look over the whole book of Deuteronomy, I have paid attention to this particular, and have discovered no vestige of it. Amongst the Greeks, so far as my memory serves me, there is nothing like it. I recollect well the sanctions of criminal law amongst the Romans. And what appears to me to come nearest to this of tarring and feathering, is the punishment of the sewing up the culprit in a sack, with an ape, a serpent, and a fox ; and throwing him into a river, or a bason of the sea, to drown, if he had escaped death by his companions in the mean time.

As to the origin of tarring and feathering, I am at a loss to say.* It would seem to me, that it took its rise in the town of Boston, just before the commencement of the American revolution. Unless, indeed, it should be contended that Nebuchadnezzar was tarred and feathered ; of which I am not persuaded ; because though it is said that " his nails had grown to eagles claws," and in that case presenting the talons of a bird, which a tarred and feathered man resembles, yet at the same time it is added, he eat grass like an ox. Now a turkey buzzard, or a bald eagle, does not eat grass like an ox ; nor do I know that these fowls eat grass at all, at least so obviously as to make the eating grass a distinguishing characteristic of their nature. I shall therefore give up the hypothesis of Nebuchadnezzar being tarred and feathered.

It would appear to me to be what may be called a revolutionary punishment, beyond what in a settled state of the government may be inflicted by the opprobrium of opinion ; and yet short of the coercion of the laws. It was in this middle state, that it took its rise with us ; answering the same end, but with a more mild operation, than that of the lantern at the commencement of the revolution in France. It took rise in the sea coast towns in America ; and I would suppose it to be owing to some accidental conjunction of the seamen and the citizens, devising a mode of punishment for a person obnoxious. The sailors naturally thought of tar, and the women, who

* This mode of punishment is said to be alluded to in the laws of Oleron.

used to be assisting on these occasions, thought of bolsters and pillow-cases.

Let it suffice that I have suggested the question, and leave it to be settled by some other person, at some future period.

CHAPTER XIII.

WITH regard to Teague whom we left in the hands of the mob, having been carted about the village, until the eyes of all were satiated with the spectacle, he was dismissed ; but ordered to depart from what was called the survey, under the penalty of being seized again, and hanged on the liberty pole, to which they pointed at the same time, and on which there was a cross bar, which appeared to render it convenient for that purpose.

The unfortunate officer was not slow to take the hint, but as soon as he was out of their hands, made his way to the wilderness. There we shall leave him for the present, and return to the Captain, whom we left in the village, and who had been employed during the occasion, reasoning with the people, and endeavouring first to divert them from the outrage, and afterwards to convince them of the error of it, and the danger of the consequences. Instead of allaying their fervour, and convincing their judgments, it had begun to provoke, and irritate exceedingly ; and gave birth to surmises that he was an accomplice of the excise officer, which in a short time grew into a rumour, that he meant to continue the inspection office, and substitute the North Briton as a deputy in the room of O'Regan, until his return. Under this impression, assembling next day, they proceeded to pull down the inspection office altogether, and to enquire for the Captain and his valet, that they might tar and feather them also.

The Captain having had a hint of this, and judging from the experiment he had made, that it was in vain to oppose the violence of the people, but rather to yield to it for the present, thought proper to withdraw from the village for a time, and take his route towards the mountains, where he might remain at some farm house, until a more peaceable state of things should take place.

He had travelled the greater part of the day, and towards evening when he began to think of taking quarters for the night, he came to a narrow valley at the foot of a mountain, with a small, but a clear and rapid stream running through the valley, which had the appearance in some parts of a natural meadow, there being intervals

of grass plats of considerable extent, with hazel copses, and groupes of young trees. The tall timber on the height above, formed an agreeable shade, and ledges of stone, worn smooth by the water in some places, making small but perpendicular falls in the current of the water. Dismounting, and delaying a little in this spot, to let the horse take a mouthful of the grass, and deliberating whether if no habitation appeared, it might not be agreeable enough to take a bed there on the natural sward for the night; having a small quantity of provisions in Duncan's wallet, and a flask of whiskey, which they hastily put up at setting out.

At this instant, an aged and venerable looking man descended from the mountain, with a slender and delicately formed young lad accompanying him, having on his shoulder the carcase of a racoon, which he held by the hinder feet, and which probably had been cut out of a hollow tree, or taken in a trap, that afternoon.

The Captain thought with himself, that he would have no great objection to have an invitation from the old man and his son, as he supposed him to be, to go home with them and lodge for the night; taking it for granted from the appearance of understanding in the countenance, that they were of a grade of education above the bulk of the people of that country. It so happened, after explanation had taken place, that he did receive an invitation, and went home with them.

The residence was romantic, situate on a small eminence on the north side of the valley, which running east and west, the sun struck it with his first beams, and the zephyrs, playing in the direct line of their course, fanned it in the summer heats. A small cascade at a little distance, with a sandy bottom, afforded a delightful bathing place; and the murmur of the falling water, in the silence of the night, was favourable to sleep.

It was a cabin of an oblong figure, perhaps twenty by twelve feet, consisting of two apartments, the one small, and serving as a kitchen, the other answering the purpose of hall, parlour, and bed room. The family consisted of the old man, the young lad his son, and an attendant who acted as cook, butler, and valet-de-chambre. Duncan having rubbed and combed the Captain's horse, and turned him loose to eat, was stowed away in the kitchen, while the racoon was barbecued for supper, and the Captain with the host, and his son, were pur-

suings the explanation of what they respectively were; being yet in a great degree unknown to each other.

It appeared that the old man was the Marquis de Marneissie, who had been an emigrant from France, a short time after the commencement of the present revolution, and had served some time in a corps of ten thousand men, which had been formed of the nobility, under the combined princes, against the republic. Having been under the necessity of abandoning his seats with precipitation, he had been able to carry with him but a few thousand livres. These had been reduced in supporting himself and friends in the service, and he had brought but a few hundred to America. This country he had been led to seek, disgusted with the combined powers, when the stipulations of the convention of Pilnitz, began to transpire, and the object appeared to be, not so much to support the monarchy, as to divide the country: chagrined also with that neglect, and even contumely, experienced from the German princes who appeared to think with contempt of their services, and to repose their confidence alone, in their own forces, and discipline.

Coming to America, he had retired from the sea coast, both to be out of the way of the French democrats in the towns, and in order to occupy a less expensive residence. He had found this valley unappropriated by the state, a warrant for an hundred acres of which he obtained from the land office, at the low rate of fifty shillings; and having cleared a small spot, had made a garden, and cultivated what is called a patch of Indian corn, subsisting and amusing himself and his family, chiefly by trapping and hunting in the neighbouring mountain; wishing to forget his former feelings, and to live upon the earth, as regardless of its troubles as if buried under it. His cabin was neat and clean, with flooring of split timber, and stools made out of hewn logs. A few books, and half a dozen small paintings, a fuzee, and an old sword, being the only ornament of its walls.

Having supped on the barbecued racoon, they took bed upon the planks, each furnished with a blanket, being the only matrass, or covering with which they were provided.

A great deal of conversation had passed in the course of the evening; and considerable sympathy of mind had taken place on the part of the Marquis towards the Cap-

tain, considering him in the light of an emigrant with himself, having been obliged to abscond, from sans culotte rage, and popular fervor, which, though not of the same height with that in France, yet was of the same nature, and different only in degree.

The invitation was given by the Marquis, and accepted on the part of the Captain, to remain in that retirement for some weeks, until matters were composed, and it might be safe for him to take his way again through the country, and return to his dwelling. Duncan took care of the horse, chopped wood, carried water, and assisted the French valet to barbecueracoons, young bears, squirrels, pheasants, partridges, and other game, that the traps, or fuzee and dog, of the Marquis and his son, accompanied by the Captain, could procure. Much conversation passed in the mean time, on the affairs of France; sometimes sitting on a rock on the side of the mountain, or under the shade of an elm tree in the grassy valley; or walking out to set a trap; at other times, in an evening in the cabin, when they had returned from the labour or amusements of the day. These conversations were chiefly in the French language, which the Captain spoke very well; but in relating any particulars of that conversation, we shall give it in English, to save the printer the trouble of having it translated. And we shall confine ourselves to a very few particulars, meaning rather to hasten to the action of the work, than to delay the reader in an episode, longer than is absolutely necessary to let some things be matured, that are next to take place.

CHAPTER XIV.

IT was one of those temperate and pleasant evenings which in this climate succeed the autumnal equinox, that the Marquis and the Captain walking out together, the subject of the conversation happened to be the right of the people of France to overthrow the monarchy, and establish a republic. The Captain had read the pamphlets of Thomas Paine, entitled "Rights of Man," and was a good deal disposed to subscribe to the elementary principles of that work; a leading doctrine of which is, that at no time can the pact or customs of ancestors forestal or take away the right of descendants to frame whatever kind of government they think proper.

This must be understood, said the Marquis, like most other general propositions, with some limitation or exceptions; or at least some explanation, before the mind of all, at least of mine, can acquiesce in the deductions. It may easily be supposed that I am not a proper person to canvass this subject, having been of that class of men, who had all to lose, and nothing to gain, by a revolution in the government of the country where I lived. Nevertheless, if my feelings do not deceive me, I ought not to be considered as a person under great prejudices. For it seems to me, that I am detached from the world, and never more expecting to be restored to my country, so as to live in it with reputation, or even with safety, I am like a person with all his senses awake, and within a few seconds of death; his vanity is asleep, his pride is gone; he looks back upon his pursuits, and his hopes, with true philosophy, and makes a proper estimate of all the acquisitions, and all the enjoyments of life. Or rather, I may be thought to resemble a disembodied spirit, who no longer capable of enjoying the false glories of life, is not liable to be seduced by the appearance of them. The shades of departed men in the elysian fields as imagined by the ancients, and painted by the poets, cannot be more abstracted from former impressions, than I feel myself to be, in this kind of elysian, and posthumous valley. When I converse with you who have come from the world, and may return to it, I am in the situation of the Grecian worthies defunct of life, when visited

by Ulysses. Achilles candidly acknowledged to him, that he had rather live as a hired labourer with a poor man, who had little food, than to rule over all the ghosts. I will in like manner declare, that such is my predilection for my country, and that ravishing delight which I would take, in breathing my native air, and seeing my native soil, looking at the buildings which were accustomed to strike my eyes in better days, that I would prefer fishing along the streams for my precarious and daily food, or digging the soil, and procuring my subsistence with a peasant, than to be the president of the United States, deprived of the countenance of my countrymen, and the view of that other heaven, and that other earth. The contempt that I may have entertained, or at least the undervaluing inseparable from my situation, which I may have felt, for the undignified with nobility amongst us, is totally gone : I could lay myself down, with the meanest plebian, and call him my brother. Descent, title, and fortune, have disappeared from the eyes, and I see nothing but man, in his rude and original excellence, as a conversing and sociable animal. Nevertheless, even in this state of mind, I cannot wholly subscribe to the analysis of Paine. Let us examine his position.

The new born infant has a right to a support from its ancestor, until it shall be of years to provide for itself; but has it a right to his estate after it shall have been of a mature age? surely not a natural right; nor a right sanctioned in all cases even by the municipal law; for the ancestor may alien, or devise away from the heir. But if he claims as heir, or takes by devise, is it not under the artificial establishment of society, that he makes this claim, or takes this gift? shall he not then take this estate subject to that government in the principle and form of it, under which this estate was acquired, and by which it is preserved to him? The civil relations that exist from the aggregate to him, are a law, as well as the relations that exist from individuals. Suppose all minors of age at one hour, and all ancestors just departed at the same moment, there might be some reason then in supposing that the descendants were not bound by the former establishments, but were at liberty to introduce others; or the descendants emigrating, and occupying a new soil, are certainly at liberty to frame new structures: But not while a single ancestor exists, who has an interest in the old mansion house, and is attached to the building, however

Gothic; because the ancestor had this right before the minor was born, and his birth could not take it away. I say, then, contrary to the principle of Paine, that our ancestors having established an hereditary monarchy, it is not in the power of the descendants to change it. They may remove from under it if they will, but not pull the house down about our heads.

The early feudalist, whose acquisitions, and possession of them, depended on that military subordination and tenure which gave rise to the system, when he took his place in it either as a chieftain, or a vassal, submitted to it; he had his voice in this social compact; and shall his descendants be allowed to unling the tenure, and change the fabric which was not of his building? shall he claim the advantages of that species of government to which he has been introduced, and not submit to the inequalities of it? or shall it be changed but by universal consent? shall even a majority change it? No: because each individual is, in the language of the law, a joint tenant, and has a right, *per my & per tout*, in the part, and in the whole. It can no more take away the right an individual has in the system of government, than the right he has in his estate, held by a prior law. Upon investigation, it will be found more a question of power than of right; just as in these woods, I take the racoons and rabbits, not that I conceive myself to have any right to have come from the banks of the Loire to make these depredations, but that having come, I have the skill to do it.

The Captain was led to smile at these last words of the Marquis, as savouring of misanthropy, equalizing the case of brute animals with men. I can easily excuse, said the Captain, this sally of your mind, and must resolve it into the wounds your feelings have received from the reverse of your fortune, and the dreadful outrages which have taken place, in the course of the revolution, from the fury of the human mind. Nor would I call in question wholly the justness of your position, with regard to the right of changing a mode of government. Nevertheless, it may admit of some discussion in the generality, and be so bounded as to leave some great cases out of the rule. I grant you that the descendant, on the principle of natural right can claim nothing more of the personal labour of the ancestor, or of his estate than support, until he shall be of an age which gives strength of mind and body to enable him to provide for

himself. But does he not possess by his birth, a right to so much of the soil as is necessary for his subsistence? you will say he may emigrate. But, suppose, all adjoining known lands already possessed, he cannot emigrate without committing injustice upon others. He must therefore remain. How to preclude him from the right to think, or act in affairs of government, with a view to improve, and to improve is to change, is restraining the mind of man, in a particular capable of the greatest extent, and upon which depends, more than on all things else, the perfection of our species. I would put it upon this point; is it conducive to an amelioration of the state of life, and likely to produce a greater sum of happiness, to innovate upon established forms, or to let them remain? It is true, indeed, that when we consider the throes and convulsions with which a change in government is usually attended, it ought not to be lightly attempted; and nothing but an extreme necessity for a reform can justify it. It is almost as impossible, comparing a physical with a moral difficulty, to change a government from despotism to liberty, without violence, as to dislodge a promontary from its base, by any other means, than mining and gunpowder.

Of that I am convinced, said the Marquis; for there never was a people more generally disposed to a degree of reform, than the people of France, at the commencement of the revolution. The writings of philosophers had pervaded the minds of the highest orders, and it had become the passion of the times to lean towards a certain extent of liberty. It had become the wish of the good, and the humor of the weak, to advance the condition of the peasantry. As an instance of this, I myself had written a book, entitled "*Sur le bonheur de Campagne*," with the express view of depicting the depressed situation of the common people in the country, and the means of raising them from that condition.

But a reform once begun, it was found impossible to arrest it at a middle point. It may be resolved into a thousand causes, but the great cause was, the insatiable nature of the human mind, that will not be contented with what is moderate. For though there were doubtless a considerable portion of the nobility who were opposed to any diminution of their power and pageantry; yet, on the other hand, as great an evil existed in the wish of extreme equality in others; or rather, a wish to bring all

things to a perfect level, that from thence they might begin to ascend themselves. There began to be insincerity on the part of the court, and licentiousness on the part of the people ; and finally a contest, lurid and dreadful, like the column of dark clouds edged with blue, and fraught with lightning. A contest so terrible, that I have thought myself happy in escaping from it, even though I have been obliged to call upon the rocks and the mountains to cover me in this valley.

The above is a sample of those conversations which took place between the Marquis and the Captain, during the space of some weeks which the Captain spent in this rural and obscure recess. In the mean time, the Count, the son of the Marquis, had been dispatched occasionally through the settlement, and to the village where the late outrage had been perpetrated, in order to learn what had become of the revenue officer, as also to ascertain the state of the public mind, and when it might be safe for the Captain to shew himself in public, and return by the main road to his habitation.

Nothing had been heard of O'Regan, but accounts the most unfavourable were obtained of the disposition of the people. The flame of opposition had spread generally, and the whole country appeared to be involved in a common burning. They had demolished all inspection houses, far and near ; assembled in committees, and framed resolves of the utmost violence. The obnoxious were banished ; and even the lukewarm in the cause were threatened with the destruction of their goods, and injury to their persons. They had begun to frame guillotines, and to talk of taking off the heads of traitors to the cause.

The Captain was not a little alarmed at these proceedings ; but the Marquis who had seen the machine of the guillotine in actual operation, was seized with a horrid fear ; and he almost imagined to himself that he saw it moving of its own accord towards him ; and his reason told him, that it was not at all improbable but that it might be brought to approach him very speedily, as the same sans culotte anarchy and violence began to shew itself in these regions, as had broke out in France.

CHAPTER XV.

IT may now be time to make some enquiry after the unfortunate excise officer, who had been treated in the manner we have mentioned.

The evening the outrage had been committed on him, he had run several miles, naked as he was ; if a man may be said to be naked, that is invested with a layer of viscid fluid, and the adhesion of bird's feathers to cover him ; through much danger from the country people, who were ill affected to his office. He had at length gained the recesses of a forest, where he thought himself safe for the night ; until near morning, when the barking of wolves at no great distance, as he thought, led him to apprehend the being devoured by these animals, who might take him for an object of their prey. To escape this, he had thought it advisable to climb a spreading beech tree, and there remained until after sun-rise, when two hunters coming along at that early hour, descried him amongst the branches ; and not without much surprise and astonishment. At first they took him for a bear ; but seeing the feathers, it was decided that he must be of the fowl kind. Nevertheless his face and form, which appeared to be human, made him a monster in creation, or at least a new species of animal, never before known in these woods.

They at first hesitated whether to take him down by a shot, or to pass on and leave him unmolested. But at length it was determined to pass on for the present, as if they had not seen him, and to rouse the settlement, to take him with dogs, and the help of men. It would be a valuable acquisition to have such a creature to carry to the great towns for a show. It might be a fortune to a man. This being resolved on, one of the hunters was dispatched to rouse the settlement, while his comrade in the mean time, had taken his station on an eminence at no great distance, to watch the motions of the wild creature, and give information of his change of situation. The officer in much melancholy of mind had descended from the beech, and was sitting on the point of a rock, looking about him like a bald eagle, when a couple of stout fellows came suddenly behind him, with the folds of ropes,

things to a perfect level, that from thence they might begin to ascend themselves. There began to be insincerity on the part of the court, and licentiousness on the part of the people; and finally a contest, lurid and dreadful, like the column of dark clouds edged with blue, and fraught with lightning. A contest so terrible, that I have thought myself happy in escaping from it, even though I have been obliged to call upon the rocks and the mountains to cover me in this valley.

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Nothing had been heard of O'Regan, but accounts most unfavourable were obtained of the disposition of the people. The flame of opposition had spread generally, and the whole country appeared to be involved in common burning. They had demolished all inspection houses, far and near; assembled in committees, and uttered resolves of the utmost violence. The obnoxious were banished; and even the lukewarm in the cause threatened with the destruction of their goods, and to their persons. They had begun to frame statutes, and to talk of taking off the heads of traitors in the cause.

The Captain was not a little alarmed at these proceedings; but the Marquis who had seen the guillotine in actual operation, was not so much so; and he almost imagined that the guillotine was moving of its own accord. He told him, that it was not at all to be brought to apprehensions sans culotte and in these regions.

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 on to this work.

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 once or twice in our presence,
 that it exhibited a dilatation of the
 attempting to laugh.

colour, and the look wild, but
 a person under an impression of

It cannot be said to laugh,
 that it exhibited a dilatation of the
 attempting to laugh.

and entrapped his body, so that he could not move his arms, which they took to be wings, but was as tightly laced as a ship's yard arm, when the sails are furled to prepare for a tempest.

A cage having been made and put into the bed of a waggon, he was conveyed to the capitol, when the proprietors, after having published an advertisement, began to exhibit him as a curiosity, for the sum of a quarter dollar to each grown person, and an eighth of a dollar to the children of families whose parents brought them with them.

In a short time, this uncommon creature, as it was thought to be, became the subject of general conversation; and the Philosophical Society had heard of it. Having called a special meeting, they dispatched two members to ascertain and report the nature of the animal, in a memoir to be inserted in their transactions.

The two members accordingly requested of the proprietors an opportunity of a leisurely examination of the animal, and paid them a quarter dollar each extraordinary, for this indulgence. The proprietors were disposed, as was natural, to assist with some particulars of fiction, the singular qualities of the animal they had in charge. They related, that when they first saw it, in its flying from the mountain, it was just alighting on the tree top; that having taken it, they had at first offered it boiled and roasted flesh, but this it refused; but that at length it had come to eat flesh both roasted and sodden, with considerable gout, and sometimes even with rapacity. This was false, by the bye, for they had tried the officer with raw flesh at first, which he had refused, and would eat only roasted or boiled.

The proprietors informed, that when first taken, its cries, or voice, was of a mixed sound, between that of a wild cat and heron; but that it had come to have some imitation of the human voice, and even articulation, and might from that circumstance be probably a species of the parrot.

The philosophers noted all this, and doubtless made a proper use of the particulars, in determining the genus of the animal. For the last thing that a virtuoso ought to question, is the truth of facts. It is by taking facts as granted, that an hypothesis is most easily established.

The transactions of the Society have not been yet published. Nevertheless we have been favoured with the

report of the members on this occasion, with leave to publish it, having so immediate a relation to this work. It is as follows :

“ The animal of which an account is now to be given, was asleep when we made our visit ; and the keepers were unwilling to disturb him, having been kept awake, they said, too much for some time past, by the frequency of people coming to see him. However, this circumstance gave us an opportunity which we would not otherwise have had, of observing him while asleep. He lay with his head upon his right shoulder, and his hinder legs, drawn up to his belly, in the manner of the dog, or bear. The drawing his breath, and his snoring, is that of a man. He has hair upon his head, with a mixture of feathers ; but upon his body there is nothing but feathers, not in the manner of other fowls, if fowl this may be called, smooth and clean, but growing through a viscous substance resembling tar, and intermixed with it ; in this particular differing from the bird kind in general, who by means of a spinal gland secrete an oily substance, with which they besmear and dress their feathers ; for here the oily or viscous substance is itself mixed with the feathers, and oozing from the skin. Nor are the feathers here, as in fowls in general, lying all one way, but in various directions, as if nature had given them to sprout out at random. But what is most extraordinary, the stems are frequently protruded, and the downy part inserted in the skin.

Such were our observations while he lay asleep.

After half an hour the keepers having awaked him, he got up from his straw by turning on his back, stretching out his fore legs, or wings, if they may be so called, raising himself on his rump, and then by resting on one paw, rising with a slow and easy motion, to his feet. It may seem a catachresis in language to talk of the face of a beast ; nevertheless we shall use this phrase, for though in great part covered with feathers, and the same viscous matter with the body, yet in shape it has the appearance of a human face, full as much or more, than the baboon, or others of the ape species. It cannot be said to laugh, but rather grin, though once or twice in our presence, you would have thought that it exhibited a dilatation of the ocular muscles, as if attempting to laugh.

The eye is of a grey colour, and the look wild, but steady, like that of a person under an impression of

amazement and wonder. The neck, and whole form of the body, and even the hinder legs, have a strong resemblance of the human. Were it not for the feathers, a person on a superficial view might mistake the wings for arms, being attached to the body by a shoulder blade, and the claws resembling the fingers of a Negro.

If this animal is to be referred to the quadruped, or beast kind, it would most naturally be classed with the Ouran-ou tang, or Wild man of Africa: If with the bird kind, we shall be totally at a loss to assign the genus. For though it has a head and face not unlike the ouzel, or the owl, yet in the body it has no resemblance. Nevertheless we should certainly give it a place amongst fowls, were it not that it has ribs instead of the lamina, or side plates, which are peculiar to the winged race alone: as also, because we have reason to think it has an epiglottis, from the articulation of its sounds, by which it has come to imitate our speech, with a pronunciation not unlike that kind of brogue, which we remark in some of the west country Irish. It appears to want the ingluvies or craw; but has a gizzard, and digests its food by the dissolving power of the gastric juices.

All things considered, we incline to think that it is an animal of a species wholly new, and of a middle nature between a bird and a beast; yet so widely differing from a bat, as not to be classed with it.

This discovery leads to new and important considerations. We do not undertake to decide for the Society; but shall venture to suggest some particulars.

This animal would seem to form the link between the brutal and the human species; being nearer to it in some particulars than the Ouran-ou tang itself; and especially in the evident articulation of certain sounds. Articulation was with the ancients, the distinguishing characteristic of the human kind. The poet Homer has the epithet frequently, *Meropon*, *Anthropon*: articulate, speaking men. Yet we find from this discovery, that articulation, at least to some extent, is not peculiar to man alone. This is an incidental characteristic, given by the poet; but the distinguishing mark has been given with more subtilty of observation, by the philosopher Plato; whose definition is that of *Animal bipes implumis*. A two legged, unfeathered animal: For though it might be contended with some plausibility, that this animal has two legs; yet it is evidently feathered; not indeed with the long and

strong plumage of the ostrich, but with the down of a goose, or duck. This animal, like man, has not a tail. Nevertheless it has the os cocygis, or termination of the spinal bone, longer than in man; as was ascertained by one of us, who in the interval of his sleeping, felt his rump. Not that we would draw from this any conclusion in favour of the hypothesis of Monboddo, that men had once tails; but that in the scale of animals, there is a gradual nearing of distance, from having long tails, to the having no tail at all.

The most important enquiry comes now to be investigated, namely whether this be an animal new to discovery, or actually new to the world, and just lately come into existence in the natural kingdom. No account of it having been heretofore given by any traveller in America, either from the information of the natives, or personal observation of their own, founds a strong presumption that it is of a novel breed of creatures; but that it is prepared to preserve its species, with a female, may be inferred, from the circumstance of nature having furnished it with testicles.

The idea of original production, involves in it the late hypothesis of Macilhatten, in his treatise, *De Seminibus*, that nature has within herself an aboriginal productive power; so that as some animals disappear from the earth, the mammoth for instance, others spring up, that were never known before. Which hypothesis, by the bye, so far as respects the extinction of animals, receives considerable countenance from the ancient relations of the gorgon, the hydra, &c. and the less remote allusions to winged gryphins, orchs, &c. If this should be found to be the fact, it may be suggested whether it would be going too far to say, that it might be in the compass of human research to discover the subtil combination of causes and effects, necessary to the production of life, and the formation of a living creature; and that the time might not be far distant, when ingenious chymists might undertake and accomplish the analysis of matter, and synthesis of composition, so as to be able to make animals, to those who should bespeak them; as a workman would make articles of furniture for a hall or assembly room. This would save much expence, in feeding, and providing them for food, or for the purpose of labour, and burdens. We have thought it sufficient to suggest this, and propose it

to the industry and ingenuity of the learned in philosophic science."

So far the memoir.

The society expressed their approbation of it; and it was proposed to make a purchase of this animal, for the purpose of examining it more fully, in their own hall, and possibly of sending it to the societies abroad, for their examination also. This proposition was adopted, and the same members appointed to drive a bargain with the proprietors, for the subject of their show.

When the deputation came forward, and began to traffic with the keepers, proposing a purchase of the curiosity in their possession, the revenue officer, in the cage just by, raised what is called the Irish howl, in a most pitiable manner; recollecting what the Captain had told him, on a former occasion, with regard to the use to which they would apply him, when they should have him in their power.

God love your shouls, my dear masters, said he, dat have taken me in de wild woods. I care not fat you make o'd me, a wild baste, or a turkey buzzard; or a a fish o'd de vater, while I gat good mate to ate, and clape straw to ly down upon; but for de sake o'd de holy faders, do not sell me to dese philosophers, dat will cut me up as you would a dead cat, and put my skin upon a pitchfork, just to plase deir own fancies; rader let me stay where I am, and shew me to de good pable, dat gape and stare, but keep deir teeth in deir mouths, and luke foolish, but dont affer to bite.

The philosophers assured him, that his apprehensions were without foundation; having not the least intention of dissecting, at least until he died a natural death. Doubtless, it might be an object, to ascertain from the internal structure of his body, to what genus or class of animals he might belong: nevertheless, they were persuaded, the society would content themselves, with the observations drawn from external structure, at least for some time. On this turning round to the proprietors, they resumed the conversation relative to a purchase; the supposed animal continuing to vociferate and roar horribly.

In the mean time, the affair of this wild man, beast, bird, fish, or whatever it was, began to make a noise in the town; the people who had come to see it, being divided in opinion; some believing it to be a monster, or new animal in the creation; others disposed to be of opi-

nion, and others confidently asserting, that it was a real man.

Coming to the ear of the chief justice of the state, it occurred to him, that if a man, the confining him in that manner was a restraint upon the liberty of the subject; and ought not to be permitted in a country where the laws govern. Accordingly, he had issued his writ of *habeas corpus* to the keepers, commanding them forthwith to bring before him, the animal in their possession, and to assign the cause of this detainer. The officer came forward at the moment the keepers were about to close the bargain with the philosophers, and shewed his writ. They were obliged to obey; and came forward with their charge before the chief justice and associate judges, in open court then sitting, alleging property in themselves by caption, and employing counsel to support this allegation.

The court having assigned counsel to support the *Habeas Corpus*, the argument began: Counsellor Patch first.

May it please your honours,

I take this to be an animal in which there can be no property absolute or qualified, being *feræ naturæ*, or of an untamed nature, such as a panther, or a buffalo; of which it is laid down no larceny can be committed, as not being the subject of property. 4 Black. 235; referring for authorities to 1 Hal. P. C. 511. Fost. 366. 1 Hawk. P. C. 94. Here counsellor Patch read the authorities.

Counsellor Catch in reply: But by the same authorities, it is laid down, that animals *feræ naturæ*, or wild, when reclaimed, or confined, and may serve for food, may be the subject of property, as deer inclosed in a park, fish in a trunk, or pheasants or partridges in a mew.

But is it conceded, that this animal can *serve for food*? rejoined counsellor Patch.

The question to be considered in the first place, interrupted the chief justice, is whether this creature is of the brutal or the human kind. Speak to that point.

Counsellor Scratch, as *amicus curiæ* observed, that this being a question of fact, was most properly determinable by a jury.

Counsellor Patch thought not, as the trial by inspection in the case of infancy, which was within the province of the court, was analogous to this. The court were of opinion with counsellor Scratch, and proposed to the coun-

sel for the thing in custody, to bring a writ *de homine replegiando*, or *replevin*, for the body of a man, as the proper writ to bring the case before a jury; or that an issue might be made upon the return to the *habeas corpus*, by consent; and in that shape let it be tried. It was agreed; property pleaded, the issue made up, and the jury about to be empanelled.

Counsellor Patch under the principle of an alien having a right to a jury *de medietate linguæ*, demanded, that the jury should consist of one half beasts.

Curia advisari vult, and in the mean time desired the counsel to search for precedents. No instance was found of the jury *de medietate linguæ*, being carried so far as this, and the motion was overruled.

The jury being now sworn, the counsel for the keepers, offered the two members of the philosophical society, who had examined him, to establish his brutality; this evidence was offered on the principle, that it was peculiarly within the province of their studies to ascertain a point of this nature, and were therefore the proper witnesses, as in a case within the custom of merchants, individuals of this occupation are usually called. According to the maxim of the civil law, *Unicuique, in arte sua, perito credendum est*.

Exception to this evidence, that they were interested, having had an eye to the purchase of this thing, and actually in negociation for it.

The objection was overruled, as going to the credibility, not the competency.

The witnesses were clear that this thing was not of the human race, though as to what class of brute animals it was to be referred, they were not yet prepared to decide.

To the weight of this evidence counsellor Catch opposed the evidence of nature itself; the thing had a human voice and speech, that of a west country Irishman; no instance of which was to be found in any natural historian that had ever written. He would call upon the gentleman to produce any authority to that effect.

Counsellor Patch, was not prepared with an authority to prove, that beasts had been found that could speak Irish; but that it was no uncommon thing in early ages, and in many countries, for beasts to speak some language; such as Latin, Greek; for which he might refer the gentleman to the *Æsopi Fabulæ*, or those of *Phædrus*; nor

was he without an authority at hand, to prove that even in more modern times, there were many beasts who could speak English ; this authority was that well known book, *The History of Reynard the Fox* ; which he now produced, and from which he read passages.

The court thought the authority in point, and the evidence not to be got over, and directed the jury to find accordingly ; which they did, in favour of the keepers, and the Habeas Corpus, was dismissed, and the thing remanded to custody.

The members after this, struck a bargain the more easily with the keepers ; as they had been a good deal alarmed at the risk they had run of having this property taken from them. The Society after having retained the curiosity a year or so, and ascertained its structure and properties, proposed sending it to some of the foreign societies, who had expressed a wish to have an ocular examination of it also. The preference was given to the societies of France ; and it was accordingly shipped in a brig of Blair M'Clenachan, that was bound to Nantz. At this place on coming ashore, by rolling and tumbling in it, having worn off the tar and feathers from his back-side, he was mistaken for a sans culotte ; and the mob rising broke the inclosure, and let him out. I have not heard whether he joined the army of the patriots, or is on his way home again to this country.

CHAPTER XVI.

IN the mean time the opposition to the excise law, and disturbance in the survey, had alarmed the government. The militia had been called to suppress the insurrection. They had marched, and were within a short distance of the survey.

The Captain in the mean time having heard of this, and believing the army to be within supporting distance, left the Marquis, and came to the village where the outrage had commenced. He was not wanting in explaining to the people, the illegality and great impolicy of their proceedings, as subversive of the government, and destructive of the first principles of a republican government.

His conduct, nevertheless, had been otherwise understood by the administration, and he was greatly obnoxious with the army and judiciary. When the troops had attained the point of destination, and the judicial examinations had been set on foot with regard to the conduct of individuals, it was always a principal question, What do you know of Captain Farrago? They had heard of his man Duncan, and thinking that he must be acquainted with the secrets of the Captain, orders were given to apprehend him, under the idea of a criminal.

The examinations were conducted with great dispatch, many hands making light work, there being a vast number of assistant interrogators, and deposition-takers, in the capacity of jou neymen, and apprentices. It was a good school for students of the law, and young clerks who came out on the expedition. It is true, they were not very capable of taking the true sense of what was stated in the testimony, nor very careful to take down for and against; but the giving them a habit of asking questions, and spelling words was of more consequence to the public, than the doing justice to people that had lived in a remote corner of the commonwealth.

Duncan having been arrested, was put under guard with several others. When he came to his examination, he was asked the following questions, and made the following answers: Are you acquainted with John Farrago? I hae a short acquaintance since I hae been in his ser-

vice, about a month or twa. Has he ever conversed with you on the subject of politics? He wad na converse wi' me, he kens I dinna understand them. Do you not know him to be an insurgent? Indeed I dinna ken ony sik a thing. I believe he is no just vera right in the head, but I dinna believe he tuk any part in stirring up the insurrection. He has gane about the kintra for some time past, in an odd way, wi' ane Teague O'Regan, an Irishman, that got to be a gauger, and came out to this kintra, to set up in the business, and made a' this brail; and since he parted wi' him, he has employed me in the like capacity, no much to my profit, if I am pursued, and put in fear o' my life, and to hide three weeks in a glen for fear o' the mob, and now to be hanged for ha'ing been in the kintra; and what is mare, to be made a witness against the Captain, when I hae nathing to say o' him. The deel tak me, gin I swear a word to wrang my conscience. That is the short and the lang o' it. Sae ye need say na more about it, but gae to the examination o' some other body, for I hae told ye a' that I hae to say about it.

Duncan was dismissed, and the Captain himself; and falling into the hands of an assistant examiner of sense, his account and explanation was understood, and he acquitted from the suspicion of having swerved from the duty of a good citizen.

BOOK II.

CHAPTER I.

AS the Captain was lounging through the fair, he saw a tall thin man, of a lean visage, and sallow complexion, talking at a stall with a chapman. He had under his arm a piece of new, or, as it is called, *green linen*. In fact he was a weaver, and had linen claith, as he called it, to sell. For he was what we call a Scotch-Irishman, and of the name of Oconama, which is not a Scotch-Irish name; but an aboriginal Patronymic; nevertheless it came to be his name, perhaps by the mother's side.

He had on him what we call a *spencer*; that is a coat with the tail docked; though some have this kind of garb made so in the first instance; that is, a *juste au corps*, or jacket to go over the coat, instead of being under it; so that it seems to be *but a half-coat*.

Now Oconama is pronounced with the final vowel soft; and hearing it so pronounced, the Captain took it to be *oeconomy*: especially as he saw that his dress corresponded with the designation; and the small scratch wig on his head, but half covered his brown hair, which was seen underneath, supplying the defect of covering by the caul, which was piss-burnt, and had but a few straggling hairs on the top of it, which was as bald otherwise, as the pate of a Capuchin.

Oeconomy, said the Captain; for such I see you are; and I might have known you, even if I had not heard your name; I am glad to have fallen in with you; having often heard of you, and wishing to see you, and to be acquainted. There was said to be great want of you a few years ago, under the presidency of John Adams, who though a good man, yet it has been understood, did not sufficiently consult you. I am glad to hear that you are in request with president Jefferson, though it may be as some say, that he consults you too much, and that you carry things too far.

Adams ! said Oconama. I was not in the country when Adams was president. The more the pity, said the Captain. There was great want of you. You were much called for. There is a want of oeconomy, said one. There is no oeconomy, said another. But I am happy that you are now here. Great things were expected from you, and great things you have done. But there are good men who think, to use their own phrase, that we are oeconomizing overmuch, and that by the weight of your reputation, you have misled our councils, in some particulars. A judiciary law was said to be repealed on *the principle of oeconomy*. The *constitutionality* of the repeal has been questioned, much more the *expediency*. The suitors are obliged to come from the most remote parts of a state, to some one place where the circuit court is held, which under that law was brought, if not to their own doors, yet at least nearer home. *The constitution must be amended as to the jurisdiction of the Federal courts* ; or a like law must be re-established. The army has been reduced on the *principle of oeconomy* ; the marine also. Our armed vessels have been sold off, and turned into merchantmen. Hence a petit guere with the Bashaw of Tripoli, for several years, whom we could have put down, and burnt up like a wasps' nest, if we had kept our ships and men together. But I will not say, that there was not good reason at the time, to justify the retrenchment, I mean that appearances were such as to justify it. It is easy to judge after the event, and though I think the thing was wrong, yet I do not arraign the motive. The public mind leaned so strongly to retrenchments, and called for it so loudly, that it was not easy to resist it.

But the spirit of oeconomy is said to have invaded the legislative part of the administration, and to be about to fall upon the executive itself in *the reduction of salaries*. And not the administration only of the general government, but of the states, confederate and subordinate. For imitation is the faculty of man ; and we imitate those whom we respect. Hence it is, that we every where hear of oeconomy. An old woman cannot set a hen to hatch but on *the principle of oeconomy*.

It is a check to all improvement in any system ; the judiciary, for instance, that it does not consist with *oeconomy*. Now query, Mr. Oconoma, whether this may not be carrying things too far. I know well that fault

will be found with all measures. For all systems have their draw-backs. This world that we inhabit has its physical and moral evil, though the work of infinite wisdom. What perfection then can we expect from man? But it is well to weigh, and to know whether what is attempted, comes as near as may be to the expedient. This is all that I have in view. You have been praised, and you are blamed. And so it has been with all men in all ages who have endeavored to serve the public. Their integrity, and their exertions have not been sufficient to secure them against obloquy.

Romulus et Liber pater, et cum Castore Pollux,
Post ingentia facta, Deorum in templa, recepti,
Dum Terras, hominumque colunt genus, aspera bella
Componunt, agros assignant, oppida condunt;
Ploravere suis non respondere favorem
Speratum meritis —————.

Of this Smart's translation is as follows:

"Romulus, and father Bacchus, and Castor, and Pollux, after great achievements, received into the temple of the gods; while they were improving the world and human nature; composing fierce dissensions, settling property, building cities; lamented that the esteem they might have expected, was not paid in proportion to their merits."

The weaver, at this rhapsody, especially the last part, the Latin sentence, stood amazed, with his eyes staring, and his mouth open. He took him for the madman of whom he had heard, and who had been said to have been tried that day; and on the principle of self-preservation, if not of oeconomy, began to recede, and to ensconce himself behind the pedlar, who accosting the Captain took upon him to explain.

It must be a mistake of the person, said the chapman. This is not the man you take him to be.

Who is he then? said the Captain. It is not Gallatin;* for Gallatin does not wear a wig, as I have understood, but his own hair; and Madison† is a small man.

* The Secretary of the Treasury. † Secretary of State.

It is neither Gallatin, nor Madison, said the pedlar; but an acquaintance of mine from the county Wicklow in Ireland. He has been in the country about two months, and has never seen Jefferson; or given him advice to do good or harm.

I ask his pardon, said the Captain. Calling him Oeconomy, I took it to be him that is said to be at the seat of government, helping on with retrenchments and expenditures. His garb corresponded with his designation, as he seemed to *cut his coat according to his cloth*; and had curtailed the dimensions of his periwig, substituting a little of his own hair; or rather letting it grow, to make amends for the want of caul, which bald as it is, comes but half way down his occiput, and *leaves his neck bare*.

OBSERVATIONS.

IT would be a gratification to myself, and it might be of use to others, to give some notes of *political history in this state*. Those *just grown up*; or lately come amongst us, from abroad, would better understand, why it is that *democracy* has been occasionally the order of the day; and again put down. It has always had numbers on its side, and yet has not always possessed the administration. I use the term *democracy*, as contradistinguished from the *aristocracy*; that is a union of men of wealth, and influence:

In the state constitution of 1776, the *democracy* prevailed in carrying a *single legislature*; but this laid the foundation of their overthrow; because experience proved that it was wrong. "*Wisdom is justified of all her children.*"

The constitution of 1776, gave way to that of 1790, and the *aristocracy* obtained the ascendancy; or rather having obtained it, they brought about a convention, and carried the constitution of 1790; *which is the present*.

But connecting themselves with the errors of the administration of the federal government, in 1797, 1798, they lost the state administration, and the *democracy* prevailed.

Five years has it retained the administration; and will, an interminable time, provided *that wise measures are pursued, and justice done*.

This, I am not addressing to the legislature, or executive power of the government; but *to the people*. It is for them my book is intended. Not for the *representatives* of a year or four years, but *for themselves*. It is Tom, Dick, and Harry, in the woods, that I want to read my book. I do not care though the delegated authorities never see it. I will not say, it is to their *masters* that I write; for I reprobate the phrase. I have no idea of masters, or *servants in a republic*. But it is to their constituents that I consider myself as applying, in the observations I make. At the same time professing, which, *after what has happened in my case, is perhaps necessary*, that I have not the slightest disrespect for the representatives *that have been, or may again be*; I only wish

them to support a character in their deliberations, which the *world must approve*. Or rather I wish the *democracy* supported, which can be done only on the basis of *wisdom*, which contains in it truth and justice.

Error is always weakness. Integrity cannot save error. It can only reduce it from misdemeanor to frailty.

In what is the democracy likely to err? How do men err when they run from one extreme to another? There may be an *extreme in oeconomy*, as well as in expenditure. The *oeconomists* are a good description of persons; but they may not always be the *illuminati*. There is such a thing as *oeconomy over much*. A man of spirit and enterprise in his private affairs, will be sensible that it is no oeconomy to stint his labourers of wages; or to higgie in his bargains. More depends upon judgment and expansion of mind in his plans, than in niggardliness in his contracts. Laying out well, brings in, and *improves his plantation*. The federal government, in the opinion of some, taxed too much, or injudiciously. We will not tax at all. Rather than tax, we will bend our minds to reduce *offices and salaries*; at a time too when the purchase of commodities proves to us, that the value of money is reduced, and the price of living advanced one half. *The jurisdiction* of the justices of the peace proves this; for it must have been a good deal, on this ground, that it has been increased from fifty, or thereabouts, to *one hundred dollars*. But it is not merely the reduction of offices and salaries, that is the evil, but the wounding a principle of the constitution; or *straining a principle*, to get quit of these: for, it cannot be dissembled, that it is broached in many places, to overthrow the whole judiciary establishment, and put men upon the bench that will take the honor of it, for the compensation. This might look well at the first glance; but it would ultimately destroy the democracy by which it was accomplished.

But suppose nothing of this, in contemplation, or attempted; who are they that oppose an amelioration of the judicial system, competent to an administration of justice, by an increase of the districts, or the judges? *The oeconomists*. Though, it can be demonstrated, that a pound is lost to the community, where a penny is saved. But it does not come by the way of *direct tax*, but insensible filching, in the way of *the expences of attending courts*.

But *the justice of the thing is more* ; the dispatch of trial, and decision. The delay of justice, is the denial of justice. It would be for the credit of the democratic administration, to have just ideas on this head. *There are amongst them who have ; but it is not universal.* The fact is, that it will not always be borne ; and *their adversaries will triumph.*

Were it not for the name of the thing, I do not see that a judge in this state, need care much about being broken ; for it is but a pack-horse business at present. It requires as much sitting as a weaver, and as much riding as a carrier of dispatches. I often think of the language of Job, in more senses than one, "my days are swifter than a post."

In riding from one court to another, it is necessary to be at a certain point by a certain hour, though rain falls, flood swells, and roads are bad—Even in good weather there are bad roads. Why not make good roads ? Here again the *oeconomists* present themselves. The roads are left to the *townships* ; even the *great state roads* ; and no improvements of a public nature are attempted, or thought of : *oeconomy* is the order of the day. It would seem that democracy had no soul ; that it views things on a narrow scale. That it has not the knowledge, or the ambition "to make a great state out of a small." I would wish it to stretch a little in its views, as to the amendment of the roads, and the improvement of the judicial system. But this is not a building up, *but a pulling down time.*

I know what it will pull down eventually ; the *democracy*. People will be as much dissatisfied, by and by, with *oeconomy* resisting all improvements, as they were of late with *provisional armies*, and a house tax. A *false oeconomy*, not resisting merely the accomplishment of public objects, but sacrificing to itself the *establishments that do exist*. It is the Moloch that is calling for the constitution that it may devour it. It is to this idol that the third branch of the government must be offered up in one shape or another. For what is it, whether a judge is broke upon the bench, *or has his neck broke upon the roads ?*

Oeconomy may save the representatives for the time being, until by feeling, the people come to have a sense of the policy. But, it will affect the credit, of the democracy ; and in the end bring it down. It is a paralytic

that will terminate in a convulsion of the public mind and change the administration. It is in the nature of things that this will be the case ; *for great is the force of truth and it will prevail.*

In what I have said on this head, I will acknowledge that I have in view, chiefly that oeconomy which resists an improvement of the judicial system. Though probably before this is read, it will not be of consequence to me but as a citizen, and perhaps not even in that capacity, whether it is improved or not.

CHAPTER II.

I FEEL a disposition in writing this bagatelle, to introduce something solid, and therefore have contrived to bring about a conversation on the part of the Captain, with the principal of the college. It was on the subject of education: not education generally, but particular points of academic institution.

I do not like, said the Captain, the enjoining, or imposing, to use a stronger term, tasks of original composition. It is well to instruct in grammar, and the elements of writing so far as respects arrangement, perspicuity, and the choice of proper words: and in this I have but one rule, which is to think first, and endeavour to have a clear idea, and then to put it down in such expression as to be best understood. The definition of stile given by Swift, nothing can surpass; "proper words in proper places." And for this purpose translation is the best exercise. It is absurd to require of youth thoughts before they have any; or at least, correct thoughts. Help me out with my description; assist me with my theme, says one. What shall I do for an oration, says another? Is it ever a complaint in common life, that men want tongues? Are you obliged to urge them to write in newspapers? The difficulty is to keep them from it. They will be talking and scribbling before they know what to say, or to write. The seven years silence of Pythagoras was a noble institution. What an excellent improvement it would be in our public bodies, that a man should serve, say two years, before he should have leave to open his mouth, save just to say aye or no.

But we begin our system of errors at the very schools. The student must compose. It is true we have improved upon the system of the last century in this particular; and do not now insist upon it that it shall be in verse. It is sufficient that it be in prose. I mean that making latin hexameters, or english hendecasyllables, are not now a task. But it still remains that the boys must write. And yet the poet which you put into their hands says,

Recte scribendi, sapere principium est, et fons.

Good sense is the foundation of good writing.

I do not like much, your declaiming in colleges; though doubtless the ancients had this practice;

— Ut inter discipulos plores, et declamatio fias.

But is this arbitrary speaking calculated for any other purpose, but to make a pedant? You must stretch out your hand at this; you must draw up your leg at that. Here you must say Ah! There, Oh! It is the feeling of the heart only that gives attitudes; it is passion only that can swell out the breast, or agitate the members. I have seen an old woman angry, or moved with grief, play the orator very naturally. The emotions of her spirit, distend the arm and stretch out the muscles. She clenches her fist at the proper period, and lays her emphasis upon the proper words. She says Oh! or Ah! in its proper place, without being taught it by rule, or pedagogue.

Passion blows a man up like a bladder. He grows as big as himself. His hair rises on his head, and his breast heaves. Will rules give a man passion? Will a man that feels, stand in need of rules?

I perceive, Captain, said the Principal, that you are no slouch at supporting a paradox. Polybius tells us, that the Romans exercised themselves on shore, learning to keep stroke, and to feather their oars, while their galleys were building, to encounter the Carthagenians, in the first Punic war. Can it be of no use to stretch the joints a little even without passion? Or cannot passion be called up by the exertion of the speaker, even in a feigned case? It is something to accustom youth to stand up, and face an audience. At all events, it is an amusement, and it can do no harm to the boys to spout a little. At the same time it is no proof of eminence in real speaking that the youth spouts well. For that, as you say, must come from sentiment and feeling. But there is something in a habit of declaiming, at least to assist the voice and gesture. But I have always thought it preposterous in our *Young Ladies Academies*, to put little misses forward to speak. I have thought it an indelicacy to suffer them to declaim. It is unnatural; for what occasion can they have to harangue?

I am of the same opinion, said the Captain. I could never approve in a family to see a little miss called up by a silly mother, or weak father, to hold out her hand, and speak a passage which the blockhead of a teacher

had instructed her to commit to memory. It is indelicate, and out of nature.

To what assists the memory, I have no objection. But for this purpose, there are sentences in Scripture, in the Proverbs of Solomon, especially; the Gospels, and the writings of St. Paul. In Shakespeare, are fine thoughts drawn from human nature; moral observations consolatory, or instructive. Let them be got by memory, because recollected, they will guide, conduct, or embellish conversation. These would be a good substitute for catechisms, containing points of faith, which the young mind cannot comprehend; and which the divines dispute about themselves. Catechisms might be laid up for grown persons. The fact is, the early catechumens, were all grown persons. It was not until the time of John Knox that they began to teach children the dogmata of the scholastic theology. The Jews had it in command from Moses, to teach their children sentences; or precepts of the law. They were taught to bind them on their arms, or about their necks in slips of writing which they called *phylacteries*. But do we hear of teaching them the Talmud of Jonathan, or the Targum of Ben Onkelos? The commentaries of Rabbi David; or Eben Ezra the Jew, never superseded, amongst them, the precepts of the decalogue.

I had no idea, Captain, said the Principal, that you had so much knowledge of the Pentateuch.

A little only, said the Captain. But I go on to observe that in Turkey they commit to memory only the moral lessons of the Alkoran; or of the Misnud in Persia. The Vedam of India is a book chiefly for the Priests; and so with us ought to be the greater part of the *confessions*. At least mature years, only can digest them.

But these dogmata planted in the memory, grow up to fruit in the understanding afterwards, said the Principal.

That is, said the Captain, commit to memory now, what you will understand afterwards. I would have memory and understanding go together. But this leads to *say a word*, on memory, as you divines say when you preach. For you talk of saying but a word, when before you are done, you make a sermon out of it. Memory is a thing improvable, and ought to be improved, I do not therefore approve of this thing of *taking notes*. You read your lectures, and the student must take notes. It

spoils his hand; for trying to keep up with you he writes fast, and runs into scratches like short hand, or the Coptic alphabet.

Sometimes the student copies the lectures, to a great waste of time, and unnecessarily; for learned professors thought they had done a great deal in getting them out of manuscript into *print*; and now the labour is to get them out of print into *manuscript* again. But the principal disadvantage, is the neglect of the *memory*. And when a man gets a thing in his book, he neglects to put it in his head. Let the thing rest in the brain if possible.

Pedagogues that teach the first elements of arithmetic will instruct the youth to work their sums, as they call it, on the slates; and afterwards put down the figures in their books. This is to take home to shew to their parents, that they may seem to be doing something, and the master get a good name. But it is a loss of time and of paper.

The same pedantry is carried up into higher institutions; and the classes copy lectures, to make themselves, or others, believe that they have been doing something.

Just at this instant a gun went off, and thinking somebody might have been shot, they broke off the conversation.


OBSERVATIONS.

IT may be asked, of what use, a great part of the preceding book? Some things may have a moral, and carry instruction to the mind. But a great part can have no meaning or effect; farther than to raise a laugh, or to make a person smile for a moment. That itself is something; and may conciliate the reader to what is more solid. An ingredient not in itself savoury, may give a relish to substantial good. Asafoetida gives a flavour to a beef-steak.

Let me get a man to laugh, and I put him in good humour. The whole book from beginning to end, has a moral, which, if any one has not found out, let him read again.

It may argue a light airy mind in the writer; and yet, these things are sometimes the offspring, as in the present case, of a mind, far from being at ease; on the contrary, it is to get ease, and allay pain, that it is written. Pain of mind is relieved by an abstraction of solid thought. The early paroxysm of deep grief, may be incompatible with a playful fancy; but gradually and insensibly, the heart-ache may be cheated of its sensations. What else effect has conversation or music? Neither of these can assuage great pain; or torture; but will be felt to alleviate, in a lesser degree of pain, of body or mind. The mind is drawn off, and kept from reflecting. We use laudanum to allay acute bodily pains; and it gives a pleasing delirium, and insensibility for a time. But in the case of mental suffering, it is much safer to attack the imagination by an intellectual paregoric. There is less danger that the use will grow to excess, and induce habit.

Scarron wrote his comical Romance under great bodily pain. But ease to the mind has been more frequently sought by the amusement of writing. It is a fortunate thing for the writers, that it keeps off hunger; for many of them in the garrets of cities, if we may believe themselves, while they lived, or their friends after they are dead, are reduced to short commons. Certain it is, that the occupation of the mind saves food. Literary men, are in general but small eaters. The spirits are ex-

 The foregoing page was set and printed off by mistake. The reader will pass over to this page, the contents of which ought to have immediately followed page 83.

BOOK II.

CHAPTER I.

Hiatus valde deflendus, multa desiderantur.

HERE is a great gap. Not a word said of the Captain from the packing up of Teague, and sending him off to France, until after the termination of the French revolution, and the armistice or convention of Amiens. Though the fact is, that he had been, all this time, travelling, and Teague had rejoined him, in the capacity of a pediseque, or foot-boy, as before. As to Duncan, the Scotch waiter, he had, long since, left the service, and taken a job of weaving in the neighbourhood, and was doing well. The Captain had endeavoured to persuade him to take to preaching, as many do in this country who are less qualified, but he refused, alleging, that though it was good work that pleased the customer, yet he had some scruples of conscience in undertaking the charge, not having been regularly called by ordination to the office.

Teague had been landed at Nantz, and being a real sans culotte, was liberated, and caressed by the multitude. With considerable eclat, he made his way to Paris. We hear of him at a very early period as made use of, by Anarcharsis Cloots, the orator of the human race; this was in a procession, in which representatives of all nations were introduced in their respective garbs, addressing the convention. Teague was in the character

of an Esquimaux Indian, and passed his aboriginal Irish for the native dialect of that people. An Irish officer that was present discovered the imposition, but the guillotine forbad him to speak, and he was silent.

This ultramarine person, (Teague) was a good deal distinguished during the reign of Robespierre, and was employed on many occasions, and discharged a variety of functions, so that though his morals were not much amended, nor his address much improved, yet he had contracted French phrases, and could interlard his dialect with a *que voulez vous*; and *je demand pardon*. At length he found himself in the *conciergerie*, a destination from which no talents, virtues, or even vices could exempt. And it was only on the fall of that monster of whom we have just made mention, that he was vomited with others from the caverns in which he had been secluded. How he ever got to America again, it is difficult to say. We shall leave that to those who may take from his own mouth the memoirs of his travels. It is sufficient for our purpose, that he did get back, and that he is once more in the train of the Captain. The fact is, that he had joined him in a most unexpected manner, in a short time after Duncan the Scotch servant had begged to be dismissed, to apply himself to a profession more congenial with his education.

We shall go no farther back upon the steps of the Captain, with the bog-trotter at his heels, than where we find them within a mile, or less, of the village where his home was, and where he had resided some years, before he had set out on his peregrinations. Passing through a wood just as he approached the town, he saw at some distance before him the semblance of men suspended on the limbs of trees, or at least the exuviae of men, coats, waist-coats, breeches, and hats. What can this be, said the Captain? Is it probable, that hearing of your return, Teague, the wags of the village have been making what are called paddies, and have set them up on these trees, knowing that this way we should come.

By St. Patrick, said Teague, I will paddy dem wid dis shalelah. I will tache dem to make paddies, and hang dem up for sign posts in de wood here. Dis is not St. Patrick's day in de morning neider: bad luck to dem, it may be some poor fellow dat dey have hang'd up in reality, for shape staling as dey do in Ireland.

I see nothing, said the Captain, but the emptyings of ward-robcs, jibbctted through the grove: stretched on trees, or suspended from them, a phenomenon which I am unable to comprehend, or explain; for I see no corn growing underneath, from which, a priapus, or scare-crow might affright the birds; nor can they be the vestments of people at work, near hand, or stripped to bathe, as I see no water pond, or river, but a dry grove.

The fact is these habiliments were of the people of the town, who had hung them up to the dew, in order to take off the musk of a pole-cat which had affected them from the perfusions of one of these animals. For, not long before this, a typographist, had set up a paper in the village, and in the capacity of editor had chosen to assume the symbol, or hieroglyphic of the Porcupine. A happy nature had fitted him for a satyrist, and felicity of education was not wanting to qualify him for the office. He had not the pleasantry of Horace, nor the pungency of Juvenal, but an original stricture of his own that supplied the place of them. The truth is he had been bred in the barracks, and had at his finger ends, the familiar phrases of the common soldiery, with that peculiar species of wit, which is common with that occupation of men, and in that grade. Doubtless we see something like it among the plebeians of all classes and denominations: The women that sell fish at a certain stand in London, have a species of it known by the name of Billingsgate, either because there is a gate of that name near the place, or formerly was one. The miners and coal heavers have a good deal of it. The scavengers and chimney sweepers are adepts, though without the least scholastic education, or knowledge of letters. I have known even in our own country, where we are remote from the seats of the muscs, a good deal of it possessed, by way travellers, or boat men on our rivers; a kind of unshackled dialect; fettered by no rtle of delicacy, or feeling of humanity. I have been turning in my mind what word in our English language, best expresses it, and I have found it to be that which has been given it by Thomas Paine, *black-guardism*. The editor of the Porcupine had scored the village not a little. I do not say rubbed. For that is a translation of the phrase of Horace: *urbem defricuit*; and conveys the idea of tickling, or causing a sensation pleasant, yet hurting a little. That was not the case here. For what man with-

out indignation can bear the touch of the slanderer, *more especially if that slander is of a private, and domestic nature, and alludes to what cannot be explained or defended. Not that it is true, but a man in the just pride of standing in society, would scorn to appeal to the public or bring it before a court!*

There was in the village a man of understanding, and sensibility, who had been the subject of caricature, and not chusing for reasons that weighed with himself, to take it in good part, thought of retaliation. But what could he do? The same language was unbecoming a gentleman. The like strictures of foibles or of faults on the part of an adversary, could only become the character of a subordinate. Nor was it so much his object to repress the licentiousness of this buffoon, as to correct the taste and judgment of the public who did not all at once distinguish the impropriety of countenancing such ribaldry. This they continued to do by receiving his papers.

With a view to this, having taken a pole-cat on the mountains, he had put it in a cage and hiring an office contiguous to that of the Porcupine, he kept it there, suffering the boys of the village to provoke it, and the dogs to bark at it through the bars. It was in vain to complain; the owner called himself Paul Pole-cat, and when Porcupine expostulated and justified his gall on the *freedom of the press*, Paul fortified himself on the liberty of the *express*.

But it was not Porcupine alone, nor his unoffending wife and family that had reason to complain of this nuisance. The children running home to their parents, and the dogs with them, brought the perfume to the houses of the village. The wearing apparel of almost every one was affected with the musk: the women buried their dresses; the men in some instances did the like, and in others hung them up to the action of the air, and the dews of the adjoining wood.

The vestiges of these were the phenomena, which the Captain saw, in his approach to the town.

He had now got within sight of the main square, when a tumultuous assembly struck his eye; some with fists raised; others with sticks, and all in a menacing attitude. He could also hear tongues of people altercationing with one another and using opprobrious epithets.

The fact was, that the village had become divided. Those who had been the subjects of the obloquy of Porcupine, justified the emission of the cats, and were of opinion that the one had as good a right to be borne as the other. Counsel had been taken and learned opinions given. But this making the matter no better, the dissension had increased, and the people had come together in a rage.

Teague at a distance seeing this, stopped short; said he, what means all this pable in de street? It is as bad as dat of St. Anthony in Paris, or de place de greve where dey have de gillotine. The devil burn me if I go farther, 'till your honor goes on and sees what is de matter.

The Captain advancing to the populace, was recognized by them, and his appearance contributed not a little to a longer suspension of hostilities.

Countrymen and fellow-citizens, said he, is this the satisfaction that I have, in returning amongst you after an absence of several years, to see man armed against man, and war waged not only in the very bosom of the republic, but in the village which I have instructed by many precepts? What can be the madness that possesses you? are not the evils of life sufficient? but you must increase them by the positive acts of your own violence. You cannot wholly preserve yourselves at all times free from the maladies of the body, or the distresses of the mind. But it is in your power greatly to assuage these, by the virtues of temperance and moderation. What fury can prompt you, to this degree of apparent resentment, and approaching tumult. Is it local or general politics? Is it any disagreement with regard to your corporate interests, or is religion the cause? Has any flagrant instance of moral turpitude, or exceeding knavery in an individual, roused you to this excess of violence, and exclamation?

Captain, said a middle aged man stepping forward, companion of his years, and who had long lived with him in the village, it is not only pleasing to see you return in apparent good health, but more especially, at this particular moment when your interference cannot but be of the greatest use, to the citizens; not only on account of that confidence which they have in your judgment and discretion, of which they have a lively recollection: but as they must naturally think that your travelling must

have given you knowledge, and brought you home full fraught with learning and information. Your humanity is also well remembered by them; that man, woman, or child was never injured by you, in life, estate, or reputation; that on the contrary, it was always your study to do good, and compose differences. Now a misfortune has happened to the village; if I can call it a misfortune, which was at first thought a good; a printer came to this place and set up a paper, or gazette, by taking subscriptions from those that were willing to give them. His device was the Porcupine; scarcely a month had gone over his head before he began to lampoon; searching into the secrets of families, and publishing matters of individuals, with which, whether true or false, the public had nothing to do; and this in so low and disorderly a manner, that the more intelligent have disapproved of it; but the bulk read, and it seems to increase rather than curtail his subscribers. A young man on the other hand that has had an academic education, meaning to burlesque his manner of writing, having gone to the mountain with a dog, or a trap, and having taken a pole-cat, he puts the beast in a cage; hires that frame building that you see, one story high, and but a room on a floor, and calls it his office. Here he places the pole-cat with a man to attend it. What a running of boys; what a barking of dogs we have had! and when the children run home, and the dogs after them; what a putting of the hand upon the nose, by the servant girls and the mistresses, at the smell that accompanies. The young man justifies himself under the pretence that it is but retaliation of the odour that proceeds from the press of Porcupine; for, as this affects the organ of smelling, that disgusts the judgment of the mind. The people are divided, as will always be the case, if for no other cause, yet for the sake of division; because the pride of one man forbids him to think just as another does. The adversaries of the opossum, or what else it is, insist that it shall be put down as a nuisance, and have met with clubs, staves and knives, to carry the threat into execution. The advocates of the animal on the other hand have convened to oppose them.

But, said the Captain, did I not leave you a regular corporation? Have you not power to make bye laws? and is not this done upon notice given by the chief or assistant burgesses? why such hurry scurry as this? moreover it

is a weighty question that agitates the public mind; a question of right: and where the rights of the citizen come in question, I hold it a most delicate thing to decide; in a free government, more especially, where the essence of liberty is the preservation of right; and there is the right of conscience, the right of property, and the right of reputation. This is a right of property; for if this animal which is *feræ naturæ*, has been reclaimed by the owner, he has a right to put it to such use as suits his trade, or accords with his whim, provided that it does not affect the rights of others. The limit, boundary, or demarcation of this use, is a question of wise discussion and examination; and not in a tumultuous assembly, heated with wine, but with the ardency of their own spirits. I advise, therefore, and so far as my weak judgment deserves to be regarded, would recommend, that each man lay down his shalalah, baton, or walking-stick, and retire for the evening; and convene to-morrow in a regular town meeting, where the adversaries and advocates on both sides may have an opportunity of being heard. To-morrow when you meet with the chief burgess in the chair, to keep order, and preserve decorum, assign the proper times of speaking, and call to order on a deviation from the subject, as is usual in deliberative assemblies, the business can be taken up, and conducted as is proper in town meetings. I am now just from my journey; somewhat fatigued, but more moved by the consideration that I am on horse-back, and it is not becoming that I take a part in your debates as if my horse were to speak also; for though it is true that some of you may speak with perhaps as little sense as he could, were he to open his mouth and attempt utterance; yet the decency of the thing forbids, and even the exercise of the right might be questioned; for the faculty might exist, yet he could not be considered as legitimately franchised to this privilege, at least not having a right to vote in town meetings. For though in the Congress of the United States, the representatives of the territories, not yet organized into independent states, and made regular members of the Union, have a right to speak, but not to vote, this is not to be drawn into precedent in subordinate corporations; for that is a special provision of the constitution. And it is even indecorous for myself to sit here and speak, mounted, as occupying a more elevated station; and should I descend from my cavalry, my ser-

vant whom you see yonder, is kept at bay, by an apprehension of your swords, and refuses to come up, so that I am without an attendant to hold the beast ; all things considered therefore, I move, a chairman not yet being appointed, who might put the question, that you adjourn, or dissolve until to-morrow about this time, when the matter may be taken up as we now have it, and the affair canvassed as becomes members of the same community, and inhabitants of the same village.

It cannot be difficult to conceive that these words had a favorable effect upon the audience ; as oils compose a storm. For as the waves of the ocean rise and fall suddenly, so the passions of men ; and in no instance more than where they are just coming to blows ; for, approaching anger disposes to peace, every one having felt half a blow already on his head ; and the difficulty only is to get an excuse, for returning, or sheathing the weapon. *They are much obliged to the man that counsels concord ; and advises the putting down the brickbat, or putting on the coat. Even in duelling it holds the same, and the principal is a friend to the second ever after, that manages the matter so wisely that no blood is shed.*

It was moved and seconded that in the mean time, the keeper, or as he called himself, the editor of the pole-cat, should keep his charge within the claustrum, or bars of his cage, and covered with a matting, so that access might not be had to him, by man or beast, or egress on his part, of that offensive odour, which had been the cause of the disturbance. This, the partizans of the skunk were willing to admit and sanction with their acquiescence, on condition, nevertheless, that the Porcupine in the mean time, should also restrain his quills ; in other words suspend the effusions of his press, and cease to distribute papers for a day or two during the pendency of the debate. This was thought reasonable, and carried by the multitude holding up their hands.

CHAPTER II.

CONTAINING PROCEEDINGS OF THE TOWN MEETING.

THE day following, a meeting being held, and the chief burgess in the chair, an advocate of Porcupine took the ground and spoke.

Gentlemen, said he, the press is the palladium of liberty. "The image that fell down from Jupiter." The freedom of the press is essential to liberty. Shackle the press, and you restrain freedom. The constitutions of the states have provided that the press shall be free. If you muzzle this, you muzzle the mouth of man.

It is not the freedom of the press, said one interrupting him, it is the abuse of it that is in question.

The chief burgess called to order, and the speaker went on.

That is the point, said he, to which I meant to come. What shall be said to be the abuse of the press? In order to determine this, we must consider its use. This is,

1. The amusement of the editor. For as some men amuse themselves, shooting, fishing, or chasing wild beasts, so men of literary taste, find their recreation in penning paragraphs for a paper, sometimes containing information, or observations on the state of empires and the characters of men; at other times by descending, or not rising at all, but confining themselves to the subordinate affairs of individuals, and private persons.

2. The profit of the editor: and this depends on the number of subscribers. It is not every one that has a taste for refined writing. Guts and garbage delight bears; and swine swill the trough in preference to the running stream. Scurrility is the gout of many. Nay, it is the more prevailing taste;

"The world is naturally averse
To all the truth it sees or hears;
But swallows nonsense and a lie,
With greediness and gluttony."

In Britain, or some other countries, delicacy may succeed. But the coarse stomachs of the Americans crave indecency, at least a portion of it. Rough like their own woods, and wild beasts, they digest scurrility.

Well said, Porcupine ! said a pole-cat man, taking the ground in his turn : But this furnishes a ground to justify the introduction of the pole-cat. You talk of the freedom of the press. Here is the freedom of the express. Nay the word *expression* which is common to both institutions, the artificial one of the types, and the natural one of the cat, shews the original to be similar, and the comparison *to run on all-fours*. If the ink cast into black letter, and carrying with it pain and pungency from the ideas communicated, is tolerated ; much more the volatile alkali of the animal that is now set up, is to be borne, as not more offensive to body or mind. Shall the bark of trees made into powder, and this powder into a liquid, impregnated with thought, and put upon paper, and carried to the press, be accounted harmless, notwithstanding the violence of the decoction, yet the wild cats that inhabit these trees, and are denizens of the forest, be prohibited because of a bag under their tails which contains an unsavoury distillation, and may be occasionally spurted upon men ?

A lawyer spoke on the side of Porcupine. The principles of the common law embrace this case. It is unlawful to exercise trades in towns that occasion noisome smells ; they are abateable as nuisances.

Grant it, said a *juris-consult*, on the pole-cat side ; but when it is in retaliation, or in self-defence against an editor whose defamation is more offensive to the feelings of the mind, than the hogo of a civet to the sense of smelling ; or when it is used in burlesque, and by way of analogy and symbol to explain the impropriety of encouraging personal abuse, by taking papers, it may correct by leading to reflection. The mind may be insensible to abstract lessons, but a paradigm, or object set before it may affect. As to this man exercising his trade by the smell of a cat, it is an occupation which can be carried on to advantage only in a town ; for it is in towns chiefly that editors assemble ; and it is by setting up under our noses, and affecting the readers, that the impression is made. For if the public will receive libels into their houses for the use of themselves and families, let them take a little of this hartshorn with it, and if they

will have the one, bear the other. A ground of the common law is general reason adapted to particular cases. I grant that it even goes so far as to make the keeping hogs in a pen near my window, in towns, a nuisance; but this is a town incorporated, and can by a bye law regulate a new trade. I hold it to be a matter of vote whether this quadruped shall be tolerated or excluded.

The advocate for the press rejoined. The common law, said he, protects the press. It is the right of the tongue transferred to the hand: it ought to be as free as the air that we breathe: The privilege, as unfettered as the organs of articulation. But what is there in the common law to protect from the aspersion of this animal?

The pole-cat man replied. It is on principle and by analogy, said he, that it is protected. Does not the law of water courses apply to this. If a man divert a stream from my meadow, or obstruct one running through it, so as to dam it up, and drown the grass, have not I a remedy? shall this man at much expence and charge bring a beast from the mountains, tame it, or reduce it under his dominion, and apply it to a purpose in civilized and domestic life, and shall we say that the common law does not protect him in the enjoyment of its musk?

The advocate on the side of Porcupine rejoined. So use your own, said he, that you trespass not upon another man's. If you keep your smell, and hogs at home to your own nose, there is no objection. But in the nature of the thing it cannot be; for the air is the natural conductor; and therefore it cannot but exist a nuisance.

Surrejoinder; but after all, is it more a nuisance than the press, which it has in view to correct?

At this instant a commotion was perceivable amongst the multitude: not on account of what was said, or meaning any disturbance like debate; but the rumour was that a fresh cat had been brought from the hills above the town, and was on its way to the college-man who had offered a reward for an additional puss to increase his stock; and as it was conjectured, meant to play it off under the pretext that the prohibition contained in the armistice extended only to the individual beast that he had before in his possession.

The Captain, at this, rising, said; this is not fair. It is within the reason, if not the express words of the convention, that all annoyances by steam, vapour or effluvia proceeding from a pole-cat shall be suspended during

the pendency of this question; and it is an evasion to substitute another badger, and by that means attempt to elude the stipulation.

The Pole-cat man got up to explain. It is far from me, said he, to elude or evade the performance of the stipulation. The fact is, that hearing, a day or two ago, that Porcupine was about to enlarge his sheet, and for that purpose had employed a journeyman, more, I thought it not amiss to extend the scale of my vapour and employ two conduits instead of one. For that purpose had sent to the woods, for another cat, which is now on the way, but in a leathern bag by my directions, and not to have regress or egress, until this assembly shall dissolve, nor for a reasonable time after, that eundo, and redeundo, or going as well as coming, you may be safe, let what will be the issue of the controversy; whether I am to break up stock, or be suffered to go on.

This explanation gave satisfaction, and composed the assembly.

Another speaker had now occupied the ground; I cannot say the floor, for there was no floor. I am, said he, for supporting the press. The objection is, that it is a blackguard press. But while there are blackguards to write, must they not have a press? Is it only men of polished education that have a right to express their sentiments? Let them write in magazines, or have gazettes of their own, but not restrict the right that people of a more uncultivated understanding have to amuse themselves and others with their lucubrations. You call us the Swinish Multitude, and yet refuse us the food that is natural to us. Are there not amongst us those that have no relish for disquisitions on the balance of power or form of governments, agricultural essays, or questions of finance; but can relish a laugh raised at the expense of the master of a family; or a public character in high station; if for no other reason, but because it gratifies the self-love of those who cannot attain the same eminence? Take away from us this, and what have we more? What is the press to us, but as it amuses?

I think, said another, rising, that the gentleman means to be ironical. But let us take the matter seriously. I am on the same side with him, but not for the same reasons. I take it, that scurrility may be useful to those that hear it, and are the subjects of it. It may bring to a man's knowledge and serve to correct foibles that he would not

otherwise have been conscious of, or amended. Men will bear from the buffoon or the jester, things they would not take from a friend, and scarcely from a confessor. It was on this principle that in the middle ages of Europe, a profession of men was indulged, in the houses of the great, called the Joculars. So late as the time of James I. we had one of these of the name of Archy. The Duke of Buckingham having taken offence at something that he said, had him whipped. It was thought beneath a man of honour to have taken notice of it; and inflicted punishment. I consider the bulk of our editors as succeeding to the joculars of the early periods; and as the knights of character and dignity of those times were not bound to notice the follies, however gross of jesters; so now a gentleman is not bound to notice the defamation of gazettes: nay, as in the former instance, it was deemed uncourteous, and unbecoming to resent what the fool said, so now what a printer chooses to publish. Selden in his table talk remarks, "That a gallant man, is above ill words. We have an example of this in the old Lord of Salisbury, who was a great wise man. Stone had called some Lord about the Court, fool. The Lord complains, and has Stone whipped. Stone cries, I might have called my Lord of Salisbury often enough, fool, before he would have had me whipped." As in the case of the Merry Andrew, even when there was no wit, it was taken for wit; so now, when an editor means to divert, however dull his abuse, it ought to be the mode to laugh, to keep those who know no better, in countenance.

The Captain rising and putting himself in the attitude of speaking, seemed to claim the attention of the audience. I would wish to know, said he, how the ancients managed these matters: in the republics of Greece and Rome, especially. For since I have been abroad, and heard public speeches, I find that it is no unusual thing to draw illustrations from the sayings and doings of antiquity. In deliberate assemblies talking of governments, they tell you of the Amphytrionic Council; the Achean league, the Ionian confederacy. What was the freedom of the press at Athens, or at Rome?

The fact is, said an academician, there was no press at these places, or in these times. The invention of printing is of later date. But they had what they called the

style, and they impressed their thoughts upon wax. They made use of ink in copying upon vellum and parchment. But notwithstanding the want of a press, they were not without satyric salt in their writings. Nor are we to suppose that they were altogether free from what we denominate scurrility. They could call a spade a spade. Aristophanes was a blackguard. His Comedy of the Clouds is a sufficient specimen. Lucilius, amongst the Romans, was a rough man. Cum lutulentus flueret, &c. Do we suppose that nature was not then the same as it is now? On board the Roman galleys was there no low humour? In the Roman camps none? In the Forum no occasional ribaldry? Would not this naturally get up into higher walks? Would it not creep into corporations? sometimes in verse; sometimes in prose. The poet speaks of the fescennine verses. Amongst the Romans the Saturnalia, or days of Saturn became a festival, in which it was allowable to exercise their faculties in all intemperance of language.

This is all wide of the question, said an unlearned man, holding his hand upon his nose; it is, shall we tolerate the pole-cat in this village?—For, maugre all the pains that may have been taken to restrain the pett, and confine it by a matting, I feel a portion of the fetor this very moment, come across my nose, by a puff of wind from that quarter, where it is. I move that the question be taken, whether, whatever becomes of the press, the nuisance of this beast, be suffered in the vicinity. For what can a newspaper do, compared with this? It is sent us and we read the publication. But this is involuntary, on our part, and there is no saving ourselves from the exhalation.

I move the previous question, said a friend to the baboon; I move that the press be put down.

There is hardship both ways, said an elderly inhabitant. In a community different interests will exist. Family interests; family attachments; party conceptions; and party interests. To have a printer all on one side, is an inequality. What if we prevail upon the owner, or as he would call himself the publisher of the pole-cat, to give up or sell out his establishment, dismiss the wild beast, or return it to the mountains, and institute in its place, a counter press of types and black-ball that may be a match for Porcupine.

The Captain, rising hastily; a thing unusual with him; for he was naturally grave and sedate; but suddenly feeling the impulse of the congruity, he started from his seat, and seconded the proposition of another press; for said he, the very kind of editor qualified for such a press, is at hand; a waiter of mine. A bog-trotter, taken, not on the Balagate, but, on the Irish mountains: an aboriginal of the island; not your Scotch-Irish, so called, a colony planted in Ulster, by king James the first of England, when he subdued the natives; but a real Paddy, with the brogue on his tongue, and none on his feet; brought up to sheep-stealing from his youth; for his ancestors inhabiting the hills, were a kind of free-booters, time immemorial, coming down to the low grounds, and plundering the more industrious inhabitants. Captured by traps set upon the hills, or surrounded in the bogs, attempting his escape, he had been tamed and employed, many years, digging turf, before he came to my hands. I bought him from an Irish vessel, just as a curiosity, not that I expected much service from him; but to see what could be made of a rude man by care and patience. The rogue has a low humour, and a sharp tongue; unbounded impudence. And what may be a restraint upon the licentiousness of his press, should he set up one, he is a most abominable coward; the idea of cudgeling will keep him in bounds; should he over-match Porcupine, and turn upon his employers. He has all the low phrases, cant expressions, illiberal reflections, that could be collected from the company he has kept since he has had the care of my horse, and run after my heels in town and country for several years past. What is more, he has been in France, and has a spice of the language, and a tang of Jacobinism in his principles, and conversation, that will match the contrary learning carried to an exorbitant excess in Porcupine. I do not know that you can do better than contribute to a paper of his setting up. He may call it the Mully-Grub, or give it some such title as will bespeak the nature of the matter it will usually contain.

The academician at this came forward. I am far, said he, from a disposition to spoil sport; but when the useful is mixed with the jest, I count every point gained.

Omne tulit punctum—

I never had intended more, said the pole-cat man, than to reach the sensations of the multitude, and bring them to their senses. It is only by an appeal to the sense of feeling that the mind sometimes can be awakened. The public have now some idea that the licentiousness of the press, is not more a nuisance in the moral, than offensive smells are in the physical world. I will agree that the cat be removed, and as a substitute, shall subscribe to the Mully-Grub.

CHAPTER III.

THE day after the town meeting, the Captain began to reflect, that he could not avoid being implicated in the character of the paper about to be established. O'Regan was known to be his servant; at least to be under his influence, and he would be considered the real editor; Teague the ostensible, and though the fact was known at home, that he had nothing to do with it, yet abroad, it would bear a different construction, and refutation would be difficult. Having supported the character of a gentleman, and being still willing to support that character, how could he endure to have the volumes of scurrility, that would appear, imputed to him; or supposed to be admitted with his approbation. Uneasy with this upon his mind, he could see no way to get out of the labyrinth in which he had involved himself, by inadvertently proposing Teague. He thought it however his duty, to disclose to the bog-trotter, the office to which he was destined. Maintaining good faith, he was unwilling to make use of his influence to dissuade from the undertaking; or to deter by representing the danger that existed, and the consequences that might ensue. This he could easily have done, by suggesting the guillotine, or even a cudgeling, the more common mode of punishment, in this republic. But good faith forbade.

But what was the amazement of every one, when news was brought, that Porcupine, had decamped in the mean time. Whether it was that the talents of Teague had been magnified, and he did not choose to engage in competition with one so much his superior, lest he should lose by comparison, the reputation he had acquired; or what is more likely, the constables were after him for debt, his press and types having been seized the day before, and sold for rent, and new demands, of a smaller nature coming against him, fines and penalties also hanging over him for libels; and damages recoverable in actions of defamation; but so it was, that he had disappeared.

The Captain was relieved from the embarrassment which he had endeavoured to conceal, because he now saw a way open to set aside the idea of a press, which he

had reason to apprehend his bog-trotter would not be competent to conduct with reputation.

Townsmen, and fellow-citizens, said he, seizing an opportunity to speak, the reason has ceased upon which we had proposed to act: the setting up the bog-trotter in the capacity of an editor as a match for Porcupine, for he has disappeared; and what need we buff at the bear when there is no bear to buff at. Unless indeed we could set him up, expecting from him a chaste and pure paper containing solid information, and strictures useful to the republic. But that from his education and manners, we have no reason to expect. It is true, if he had sense to collect the ideas, and give them expression, he has had opportunities to observe what if known and digested, might essentially serve to preserve from extremes in a free government. He has seen the folly of the people of France, if, those occasionally thrown into the representative assemblies, could be called the people. He has seen the folly of these in reducing all things to the first elements instead of accommodating to existing establishments; of deracinating from the foundation church and state, and bandying the term liberty until ignorance and usurpation terminated in despotism. For though at the commencement of a revolution, active and uninformed spirits, are useful, or perhaps absolutely necessary, like the subterranean fire throwing up continents; yet as in this case, the fostering dews, and the breath of the atmosphere, are necessary to give soil and impregnate with vegetation; so after the stirrings of mens minds, with a political convulsion, deliberate reason, and prudent temperament are necessary, to preserve what is gained, and turn it to advantage. But this sans culotte, for so he was called in France; and well he might; for he was without femorals when he went away, and when he came back; this sans culotte is not a Mirabeau. He has kept no journal: he has made no observations except of mens heads chopped off by the guillotine. He has brought back little with him, but *ce que dit*; *que ce vous la*; *donnez moi*, and such like. I think we are well off with him and let him go to his vocation.

OBSERVATIONS.

THE preceding chapters were written some years ago, while an editor of the name of Cobbet, published a paper under the title of "Porcupine." But the breaking up of that paper in a manner similar to that just stated, prevented the going on with the allegory, or the handing to the public by the way of the press, in some shape the pamphlet begun. Some time since, the appearance of a certain Callender, in a paper under the title of the Recorder, had induced me to look at what I had intended for Porcupine, and to think of continuing it to some point and winding up of the story; but the man drowning himself, or being drowned by accident, stopped me in my intention, as it would be like throwing water on a dead, or as the proverb is, a drowned rat, to say any thing that had a relation to him.

But having a little leisure on my hands, and in warm weather, liking light work, I amused myself with saying some things that were on my mind on other subjects, and I thought I would make this which I had already written, the introduction. For the fact is, that I mean this tale of a Captain travelling, but as a vehicle to my way of thinking on some subjects; just as the ancients introduced speakers in a dialogue, occasionally at banquets; or as the philosophers in their walks and conversations, moralized in parables, and feigned cases, a way of reasoning, and address less offending the self-love of men than what has the appearance of immediate and direct instruction. Nor, will the publication of the foregoing hints *on the illiberality of the press*, be thought, even now, altogether useless; for though since the death, or departure, of the two monsters just named, there has been an ebb of this flood of scurrility, yet dropping the figure, the American press, has not been wholly free from the stains of the like paragraphs. The application therefore may not be wholly without an object, and, in the painting there may be seen some existing resemblances. For though, as the almanac-makers say, "it

is calculated for a particular meridian, yet it may without sensible variation, serve other latitudes." No man can have a higher opinion of the dignity of station occupied by the editor of a paper under a free government, than I have. I think it one of the most honorable, as well as the most useful in society. I am unwilling therefore that it be degraded, and I am happy to observe that the example of the two monsters mentioned, has had the effect to disgust the public.

I take the pulpit, the courts of judicature, and the press, to be the three great means of sustaining and enlightening a republic. The Scripture is replete with the finest sayings of morality. With a scholar of the Latin and the Greek school, it is delightful to quote in conversation, or writing, the classical sentences of antiquity, aptly applying them to the occasion: enriching the discourse with apposite thoughts; pleasing the hearer, or the reader, and doing credit to the person himself; drawing out from his treasury things new and old. But these writings of an oriental cast, contain pithy observations upon life and manners, than which there can be nothing more delightful to remember and quote, and more profitable to carry into practice. Reading the Scriptures by young people; hearing them explained and introduced by quotation, sermon and lectures from the pulpit, raises the affections to virtue, and helps the judgment in the conduct of life.

The courts of judicature, are a school of justice and honor. A great ground of the law, are the principles of universal justice. The discussion of counsel; the verdicts of juries; the decision of the courts, have respect to the great principles of moral honesty. But the sphere is confined, compared with that of the press, which has an extensive range; and for this reason ought to preserve the greater delicacy in language and sentiment. Even the war of the sword has its laws—It is not allowable to poison springs, or the means of life. In a paper war nothing is justifiable that does not tend to establish a position, or determine a controversy; that which outrages humanity, is the cruelty of a savage who puts to death with torture, or disfigures, to gratify revenge.

To know what may be said in a paper, or in what manner it may be said, the editor whom the public alone

knows, need only consider what would become a gentleman to say, in promiscuous society. Whether conversing in the manner he writes, or in which, what is inserted, is written, he would be heard with respect, and treated with civility. Good breeding is as necessary in print as in conversation. The want of it equally entitles to the appellation of an ill-bred man. The press can have no more licence than the tongue. At the tribunal of common sense, it has less, because an expression might escape a man, which might receive pardon, or excuse, as the offspring of inadvertence; but writing is deliberate, and you may turn back and strike out the allusion, or correct the term.

National character is interested in the delicacy of the press. It is a disgrace to a people to have amongst them volumes of scurrility circulated through their post-offices, with a peculiar privilege of centage, placed upon the benches in our public houses, or sent home to our private dwellings.

Is this the occupation to which it ought to be an honour to belong; to which a father would wish to put a son, having educated him with the best advantages, and giving him, as he had thought, a duty as sacred as the priesthood, and with a more exclusive sphere of action than the barrister; having it in high commission by the constitution of his country, "to canvass the conduct of men in public offices," and inform the public, "where the matter is proper for public information."

It does not follow, that because a man takes a paper, that he approves of all that is in it. It is certainly censurable to continue our subscription to a paper, the prevailing tenor of which is defamatory of individuals; but were we to reject a paper because it is occasionally so, there are few papers that we should take at all. The American press, has been abominably gross, and defamatory, and there are few publications of this nature, that have been at all times unexceptionable. A man will be astonished sometimes to hear of himself, or of others, what has not the slightest foundation, but in the invention of the paragraphist. There may be some prototype, filmy origin to the unsubstantial fabric; perhaps not even a vapour, but in the breath of the defamer. Is the assassin odious, and not the author of anonymous abuse? Yet such is the error of opinion with some, that

they think it not dishonorable to attack anonymously. It is cowardice in a free country, where the law is equal; where no Cæsar exists to make it necessary to conceal the author of the pasquinade. A brave man will scorn subterfuge and shade. An honest man will avow himself and his opinions.

CHAPTER IV.

NOTWITHSTANDING the Captain thought he had got quit of Teague, in the matter of the press, he had still some trouble. For the bog-trotter was dissatisfied. He had an hankering after the editorship, and talked of taking up subscriptions. To put him off, the Captain suggested the publishing his travels. Teague, said he, if many a man had what you have in your power, he would make a fortune by it. You have been in the Conciergerie. That of itself, might make a chapter that would fill a volume. If you take up subscriptions, why not for such a work as that? It will sell for a ready penny these times; I would advise you to go about it.

Och, on my shoul, said Teague, but it would make a book as big as the praists' bible, if I was to tell all dat I saw on toder side the great water. In dat great country, old France; where de pape talk all at once wid de brogue on deir tongues, and say nothing. De devil burn me, but deir foutres, and parbleus, would make a book, as big as a church staple.

Well done Teague, said the Captain; you must then set about it. The first thing it will behoove you to consider, is the manner in which it will be written; whether your narration shall be in the first person, as, "I did this," and "I said that;" or whether in the third person, as it were one speaking of you, as, "O'Regan having done so, and made an observation to this effect." And whether it shall be in the way of continued narrative, with chapters, or in the shape of a journal, or be cast in the way of letter. For all these modes of writing are used as best suits the traveller; or may be thought most pleasing to the reader. One advantage you will have, that you need not stick pertinaciously to the truth; for travellers have a licence to deviate; and they are not considered as on oath, or upon honor in giving their accounts; embellishment is allowable. Some illumination of the narrative: though, confining yourself to the truth strictly, I make no doubt, your story will be sufficiently extravagant, and of course, border on the marvellous.

The fact was, that the bog-trotter had incidents sufficient to enliven his history. He had been in the suit of

Anacharsis Cloots, and personated an Esquimaux Indian; he had been taken up in a balloon some distance from the earth, and let down by a parachute, instead of a sheep. It is true, this was not with his own consent, but by force; the Parisians thinking it of little account whether the experiment was made with him or a less valuable animal. It is true, to make amends for this, a royalist lady fell in love with him, thinking he had a resemblance to the young duke of Orleans. He had made a fortunate escape in the *conciergerie*. A prisoner in the next cell, No. 1, finding the letter G put upon his door, which stands for *guillotiné*, exchanged for a few louis's with O'Regan, No. 2. But an order came to reprieve No. 1, and to take No. 2, meaning the bog-trotter. The consequence was, that the Frenchman was put into the cart, and our *sans culotte* escaped.

It would make a book to exhaust these particulars, and many more that occurred. The Captain having recommended the work, was concerned to have it accomplished with some credit to those concerned, and therefore thought it advisable to give the author some hints before he entered on the task.

Teague, said he, the first thing to be thought of, is a place to write. The extremes are two, the cellar and the garret. The cellar was chosen by an orator of Greece, to write his orations, or at least to prepare for the writing them; for in this, he is said to have copied over eight times the history of Thucydides. Whether it is the darkness, or the solitude of the cavern, that is congenial to the talent of writing, may be a question. I should think, however, that the ærial mansion of a garret is most favorable to the lighter species of writing, such as madrigals; or paragraphs in magazines, or novels. But as yours is a serious work, it may be above the subterranean, and below the firmament. Perhaps a middle story may suffice. It will depend, however, on your head. If you find yourself light, go down; if heavy, mount; and thus adjust your apartment to your feelings. The wasps chuse the garret; but the spider is found in the cellar; and his weaving is an emblem of the composition of an author.

As to stile, just write as you would speak, and give your account with simplicity, without affectation; under-

Politicians say, that though they have no learning, they feel no want of it. Is it to be supposed that a workman does not know whether he wants tools? All this ends when learning and law are put down. Trial by battle must regulate society. We shall then want barracks and hospitals. This building will accommodate invalids.

I do not know, said a sedate man among the crowd, whether after all, a little learning may not be in some cases, useful. *It is a great help to weak people.* I have seen a book, entitled, *Huke's and e'en to had up cripled Christians breeks.* That is hooks and eyes to hold up breeches. Alluding by the bye, to hooks and eyes which were in use before buttons. What are called gallowses, have succeeded to the assistance of buttons, but have not altogether superseded them. Not that I mean to insinuate that the disuse of hooks and eyes, lead to the gallows in the proper sense of the word, any more than that learning does. Though many a man that wears buttons has been hung. Perhaps more without buttons than with them. But I mean to say that a young man, before he comes to the years of discretion, may as well be employed in learning to make marks upon paper, as playing at nine-mens-morrice, and it does him no more harm to try to read Greek, than to trace partridge tracks. The mind must be employed in something to keep it out of harm's way, and reclusion in a seminary is useful, if for nothing else at least to keep young people within doors, which the academician could not easily do, unless, the device of books was used to beguile the hours of study. And though a great part of their learning, is but the knowledge of *hooks and crooks*, yet the exercise of the *mind renders them more expert in thinking*; and though Latin is of no more use to raise the devil than English, now a days; yet it is a gentle exercise to learn it, and makes the boys grow faster. It keeps them from their mothers who are apt to spoil their offspring by too much indulgence. The idea of getting a task, accustoms the mind to obedience. Now there are some branches of science that are really useful, such as speaking and writing intelligibly, and casting up accounts. Nor is the time altogether thrown away in learning mathematics, especially the theory of the mechanical powers. Some are of opinion that this study has been of great use in navigation, and water works.

The ancients found their account in it, in the construction of the Catapult. But, at least, what harm, in letting pedants chop logic, and boys laugh, in the seminaries? A herring pickle, or a Merry Andrew, is allowed to amuse people, and we do not pull down their stalls. A ventriloquist is suffered to take his dollar from us, and we make no remonstrance. Lectures, on moral philosophy are at least as innocent as this. I do not know any better recreation for a lad of mettle than to listen to a dissertation on eloquence, or a discourse on chronology, and history. It sharpens his wit to talk over affairs with his equals. But there is one reason that serves for a hundred. It is not every one that is born a genius, and can do without the help of education. I am therefore for continuing these crudities a little longer. When we can afford it better, we can pull down the college. This speech had a good effect and the mob retired.

But before they were aware, the flame had broken out in another direction. The mob retiring, had entered into altercation amongst themselves, and began to blame one another. Some, for not going on to burn the college, and others, for having thought of it at all. In opposition to the last, the first grew outrageous, and began to exclaim, and to curse and to swear, and said, damn them, but if they had not burned a college, they would burn or pull down, a church. They had actually prepared faggots, and were on their way a second time, to execute a new mischief.

The alarm was given, the chief burgess, and assistants, and respectable inhabitants assembled! Great reliance was had upon the Captain, from his success, in the former instance; and when the two forces, that of the mob, and that of the community stood face to face, and were in opposition, ready to fall on, the one to commit waste, and the other to defend, he was called upon to come forward and harangue.

He obeyed instantly, but was well aware that a stratagem in war cannot succeed a second time, and therefore instead of attempting to decoy and turn aside their passions, thought proper to attack them directly by the opposite, fear. Madmen, said he, what do you mean? Is it to rob, plunder and murder that you have assembled? Come on; but in coming you must meet with this weapon, brandishing his hanger; I am alone; but a legion is behind me and will be with me speedily.

But as I am at all times averse from the use of force until it becomes necessary; I am willing in the mean time to hear reason. Why is it that you would pull down a church, and abolish the christian worship in the village?

It is not our intention to abolish christianity, said a grave man amongst them, but to put down the preacher at this place; who is not an American republican, but quotes the English commentators in his sermons, Henry's annotations on the Bible; Burket on the New Testament; Pool's Synopsis, Tillotson and Baxter, and many others. We wish to abolish these, and have nothing but our own commentaries. Are we to be drawing our proofs from under a monarchy, and referring to tracts and essays published in Great Britain? Have we no sense of our own to explain texts of Scripture, and apply doctrines? It is time to emancipate ourselves from these shackles, and every man be his own expounder, or at least confine our clergy to the Bible and the Psalm book, or such of our divines, as have written amongst ourselves, and are of our own manufacture in a republican government.

Religion, said the Captain, is of no government. Wines are the better for being brought over seas, and our best brandies are from monarchies. Where was the cloth of that coat made? Will you reject a good piece of stuff because it came through the hands of an aristocratic weaver? These are false ideas of what is right, and useful to mankind. The common law is not the worse for having been the common law of England, and our property and birth-right which our ancestors brought with them; nor is our Bible the worse for having been translated under James the first of England, which translation we still use, and from which we repeat all sentences of Scripture. Nor are systems of theology, or harmonies of the evangelists the worse for having been written in another country. Why do we use the English language? Is it not because we cannot easily substitute another; or have no better to substitute. The Shawanese, or Delaware, or Piankisha, may be softer, but not so copious or of equal energy and strength. But even if in all respects superior, can we by an act of volition, transfer it into common use and make it all at once, our vernacular tongue?

The grave man made no answer; but the more violent were still disposed to pull down the church.

AT the alarm created by the uproar, the pedagogue, and the pedesque, who had in the mean time been engaged in composing the books, had run out, and left the manuscript in hands, on the table. A wag stepping in, had written an addition to a chapter. And coming back, the school-master had resumed his labour, without observing it. The chapter in hands was that which gave an account of his ascent in a balloon; and the addition was as follows:

———"Passing a cloud, I put out my hand, and took a piece of it, and squeezed it like a sponge, and the water ran out. The sun went north about; but never set. At the distance of about fifty leagues above the earth, we saw a white bird sitting on the corner of a cloud. We took it to be one of Mahomet's pigeons. If we had had a gun we could have shot it. Passing by the moon we saw a man selling lands at auction. He wished us to give a bid; but we told him, we had not come to buy land in the moon. We came across a comet, but it was asleep. It looked like a terrapin; but had a tail like a fox.

The balloon struck a wasp's nest, and we were in danger of the stings.

Coming near a hail bank, we filled a hat: the hail stones were about as large as a pigeon's egg.

A thousand miles above the earth we passed through a field of turkey buzzards. This would seem to be their region; and accounts for the circumstance, that no one has ever found a nest of one of these. Their rookeries are out of sight, in the atmosphere.

As we approached one of the heavenly bodies—It appeared like an island. We struck upon a planet, but Blanchard got out and pushed off the balloon. We supposed it to be Mercury, as we heard orators haranguing, and a multitude of tongues.

There were marriages going on in Venus, and in Mars, we heard the drums beat.

In Jupiter we heard swearing, Proh! Jupiter; O Jupiter! by Jupiter.

We meant to have a pull at one of Saturn's rings, but were blown off the coast, and found ourselves in the latitude of Herschell. Provisions failing, we thought proper to shape our course to the earth again.

The first thing we saw was the forest of Ardennes, which appeared like a shamrock; the Pyrenean mountains seemed a bed of parsley, and the Atlantic Ocean, was about as large as Loch Swilly.

Within about a furlong of the earth, Blanchard gave me the parachute, and I came down. It was in a field of corn among reapers. They took me for a sheep, and thought to have mutton; but finding their mistake, they invited me to breakfast.

TEAGUE with his amanuensis returning, resumed his memoir, not observing the interlopation which, in the mean time had been made. Some have thought it was the best chapter in it. At least it is the most extravagant.

CHAPTER VIII.

HAVING now a little time upon his hands, the Captain thought of repeating his visit to the blind lawyer, and fiddler; and happening at an interval of the blind man's lectures he drew him into conversation, on the subject of the law. What is this common law, said he, which you speak of, and why cannot it be abolished? The common law of England! why not a common law of our own; now that we are an independent government?

It is our own common law, said the lawyer. We derive it from a common source with the inhabitants of Britain. Shall the people on that side the water alone possess this jurisprudence, which our common ancestors possessed, just because we have left the island? It was because our birth-right to this law was questioned that we resisted in war, and declared our independence. The right to representation is a principle of the common law, and this right was denied to the colonies. The right of trial by jury is a principle of the common law, and this in some cases, was abridged, in others, taken away altogether. On what ground were these defended; on the ground that they were our inheritance by the common law.

But why called common law? It was so called as distinguished from the laws of particular places. It was a system common to the whole people. The term came into use after the heptarchy.

A ground of this law is reason; or the principles of universal justice. The application of these principles to particular cases, forms a great part of the common law: the application of the principles of justice to that infinity of cases, which arise on the intercourse of men in a state of society: obligations independent of contract, or contracts themselves. We read the decisions in such cases, because the reason of those who have gone before, is a help to those that follow.

Rules of pleading, rules of evidence, the practice of courts, are the result of experience, and our own; or adopted by us, as a part of the common law. This law forms a system begun in the woods of Germany; taking

its rise amongst our Saxon ancestors, it was brought with them into Britain; receiving accessions from what it found good in the island to which it came.

Abolish the common law? why not abolish the art of medicine, because it has been cultivated in Great Britain? Sydenham, Harvey and Mead, are thought to have added to the science. The British chymists, have increased the materia medica. Why not make war upon the apothecaries, because they sell English drugs?



Just at that instant a hurly burly was heard half a square distant; people rushing into an apothecary shop, and jugs thrown out at the window. It was a mob collected to break up the Doctor.

A Latin master from the college, lifting up his hands in the attitude of a man attempting to ring a bell, was endeavouring to appease the multitude, in such address as was on his tongue from the classic authors: *cives, cives, quis furor vos agitat! vesania quæ versat? quæ dementia cepit! Infelix pecus! oh! heu! proh hominum. Insanire decet, ratione, modoque.*

It availed nothing. The outrage was continued. Glass and earthen ware, broken; powders and liquids filled the atmosphere with vapour, and a variety of smells. Ah! said an orator, it is full time to return to the simplicity of early times, when men had recourse, in case of internal diseases, or external wounds, to the barks of trees, or the plants of the fields, and had not yet become acquainted with extractions and decoctions put in phials, and called drops, to make the well sick, and poison the living.

It would have made a good drawing in a picture, to have seen the apothecary at work, in the mean time, endeavouring to clear the shop, with a cudgel, sometimes pelting a rioter; at other times breaking the head of one of his own jugs.

A preacher stood by exhorting to carry on the work. He had taken a text. "There is a time to build, and a time to pull down." He thought this a pulling down time. The greater part of his audience appeared to think him orthodox, and were shewing their faith, by their works, at the expense of the dispensary. Good God,

called out the son of Esculapius, will no one assist? shall I be ruined? The industry of years dissipated in a day: all my laudanum, my pepper-mint, sulphur, vitriol, oils, acids, my tartar, and arsenic; all gone to pot, or rather the pots gone with them, jars, jugs, and glisten-pipes: what devastation! what havock! Is it for sport, or for profit! Oh; the folly, the fury, the madness of the populace! They are indeed the swinish multitude. A herd of swine in a century, would not have done so much damage.

AT this point of the game, whether by design, or accident, a cry of fire had been raised; and the fire company with their engine and buckets were up, and began to play upon the building, throwing the water in at the windows, and at the door, so that the people in the house, and the Doctor himself were as wet as rats, and occasionally the pipe carried round with a sweep, came upon the by-standers without. The preacher got his Bible wet, and his Psalm book; and the Latin master called out "*Jam satis terris*;" or that there was rain enough; and the orator, thought it a new way, of quelling mobs. The Captain said he had seen something of the kind attempted in repressing bees, when they swarmed, throwing water on them, and that the riots of men were analogous.

But what can they mean, said a peace officer, by attacking this man's boluses? Do they mean to put an end to the practice of physic? Among the savages they attribute aches, and pains in the flesh and bones, to a bad spirit that has got into the muscles, and the tendons, and by rubbing with the hand, and pressing the parts they endeavour to expel it. The chaffing has sometimes a good effect, and if there should not be an evil spirit to drive out, it eases and relieves from the complaint. But though exercise and temperance may preserve health, and cold and warm bathing, and friction of the joints may relieve from a rheumatic pain, yet in a multitude of cases the specifics of pharmacy may be found useful; especially in a society of close population, where we have not woods and forests to run in, and where sedentary occupations keep people sitting half their time. And though after all, the diagnosis, or distinguishing diseases, is in

many cases, but a guess, and the means of cure still more conjectural, yet still there is something in the province of science, and the skill of the well read and experienced physician.

Why then do you not put the law in force against such an attack upon the druggist, said an orator? You see his chest of medicine broken open, before your eyes, and his shelves pulled down, and the tables under foot, and yet no one bound over, or the riot act read.

Soft and fairly, said the peace officers, all in good time.

Take sail from the mast when there comes too strong a blast. A madness prevails at present. It will be but of a fortnight's continuance. When the people get a thing into their heads, the best way is to let them go on. They will come to themselves by and bye.

But in the mean time they will do a great deal of harm, said the Captain.

It is in the atmosphere, said the orator! is it imported, or of domestic origin, said a thinking man among the croud.

It may be imported, or it may be of domestic origin, said a simple man; for both abroad and at home, we have instances of such madness occasionally breaking out, owing to some subtil gas in the holds of vessels, or that breeds in our own streets. It may come from France or Ireland: but what is there to hinder it springing up here, where there are as good materials to work upon, as on the other side the water. Human nature is the same every where.

CHAPTER IX.

THE memoir of the bog-trotter had now made its appearance, and was read with avidity by all ranks and classes of the community. The novelty of the matter made the stile agreeable, and it was called up as a model of fine writing. In fact the school-master, who was the real author, Teague furnishing only materials, had some knowledge of the English grammar, and had read the Pilgrim's Progress, the Seven Champions of Christendom, Reynard the Fox, the Siege of Troy, and had a diction not displeasing, and tolerably correct.

The place of a professor of rhetoric in the college, being vacant, it was suggested that the new author might be an acquisition to give lectures on eloquence, and Teague was, as usual, elated with the proposition, and solicited the Captain to countenance the matter, with the trustees of the seminary, that, if he had failed in the political, he might have a chance of elevation in the literary world. The Captain accordingly lent his aid, and though with some reluctance, undertook to press the matter with the friends of the institution, still doubting in his own mind the capacity of the candidate for a chair in a university. It is true, he had heard tell of lectures on taste and criticism by those who had not much taste, and were no great critics themselves. But this was considered as abuse, and not to pass into precedent. However, he consented and did broach the matter. It was likely to be carried, and would have been carried, but for the other professors, who said it would be a burlesque on them, and threatened to resign if the thing was pushed any farther, as in their opinion, however great the fame of this phenomenon might be, he was in fact, but an illiterate person, and fitter for a professor of gymnastics, than of letters in an academy.

A professor of gymnastics then let him be, said the Captain. It is true he has not read Salzman on the athletics of schools, or Strutt on the games and past-times of England; nevertheless he can play at prison-best, barley-but, blind-man's-buff, the hindmost of three, and fool in the corner. He is no slouch at swere-arse; is a

pretty good hitch at a wrestle ; and can run and leap abundantly well.

So saying, he turned about, and walked away, with his stick in his hand, to look for the bog-trotter, and to bring him forward for the professorship ; but had not walked far, before he fell in with the remains of the Doctor's shop that had been thrown out upon the street ; and where was Teague in a stall turned doctor, and selling drugs to the multitude, arsenic for worm powder, and laudanum for wine-cordial. He had picked up the phials when the apothecary had run off, fearing the multitude, and the people thinking this man his deputy, or substitute, selling off at a low price, were willing to take a bargain while they could get it

The Captain was irritated on the score of humanity, and for the first time, made a stroke at the bog-trotter. The cudgel lighting on a box of Spanish flies that was going off at twelve and a half cents, dissipated the contents. A dialogue ensued,* and much expostulation. But the result was, that the vendue was broken up, and it came to be understood, that Teague was not the real owner of the ware-house, and that the purchasers might be called upon to pay for the drugs a second time. This last consideration had an effect, and the bidding ceased.

At this time John Murdoch came up, a shrewd man, though not in any office, and being well acquainted with the Captain, and the history of the bog-trotter, made free to speak upon the occasion, and addressing himself to the Captain ; for the bog-trotter had run off, whether fearing the stick, or to spend the money he had gathered. Captain, said he, *Nemo omnibus horis sapit* ; no man is wise at all times. You have been a long time seeking to get your man into place, and now that he had got into place without you ; for accident often does more for a man than his best friends ; you have been unwilling that he should stay in it. Nay, you have driven him from it. He had just got into a good way in an honorable and lucrative profession, and you have stopt his career with your *batabuy*, or *shalelah*, a weapon which, from his infancy he had been taught to dread. Do you think the greater part of doctors are better read than he was ; or even if better read, does their reading turn to more ac-

count? Will the people employ them sooner, because they are learned in their profession? Or, even if learned, is their skill the more to be depended on? One of the faculty has said, *ars nostra conjecturalis est*. Hoffman ran down Boerhaave; Cullen, Hoffman; Brown, Cullen: and the system now among the physicians, is a hotch potch, or mixture of all. O'Regan might have been a quack; but the faculty tell us that medicine is much indebted to quacks. Mercury was brought into use by them, and it is now the panacea, the specific for all diseases, *the consumption itself*. Gravity is the most practical qualification. Could not Teague assume a grave appearance; a sober physiognomy, a measured step, with a cane in his hand; a steady look straight before; a nod to those that pass by, as if from a thinking man? Could not he feel a pulse, and speak mysteriously, if he could not speak learnedly, not having given clinical lectures, or attended them? Or could he not hold his tongue a long time, and say nothing; which would answer the purpose just as well; for silence is obscurity, and obscurity is sublimity. When the patient is dead, it was the disease killed him, not the doctor. Dead men tell no tales. *Facilis descensus averni*. I have heard the blind lawyer discoursing to this effect, that in the profession of the law, which is an ostensible profession, and more likely to expose a man's parts, or faculties of mind than almost any other; yet it is not always understood who is the real lawyer; and a man may have made an estate at the bar, before it is found out *that he is a fool*. If he loses the cause by his mismanagement, he lays it on the jury: or if the court decide on a point of law contrary to the advice he had given, what can I help it, says he, *if a commission cannot give sense*. It is the law of the books, though it is not the law of their heads. The client submits, and is better pleased with his counsel, than with an honest fellow who had told him in the first instance, or would tell him in the last, that his cause was none of the best; and the verdict, or judgment right. If this is the case in a profession, that, in comparison of the other, is visible, and tangible; that you can reach it in its exhibition, what must it be in art which is less in view; where the ignorance of the practitioner is capable of more concealment; and the man dies who is most hurt, and carries his complaint before Minos, and Rhadamanthus,

who wait *until the doctor comes* to give him a fair hearing?

It is not that I had any doubt, said the Captain, of his getting into practice, that I had been opposed to his empiricism. My apprehension rather was, that he would get too much practice, and have too many lives to answer for morally and in conscience, if not legally. For what did he know of drugs, or of their effect upon the constitution? If you go to conscience and morality with it, I have done, said Mr. Murdoch. You leave no reasoning for me. I was speaking as a man of the world, and the making a living: if you feel yourself entrained with that sort of doctrine, you are on the other side the line: I have no concern with you: You belong to the old school.

The doctor, in the mean time, had come back, and was examining the depredations.

An inventory was taken under the direction of the Captain, that what remained might be compared with the original stock, and the loss ascertained, that it might be compensated to the poor man by subscription. As to what had been purloined by Teague in the way of sale, he undertook himself to make up that, having been somewhat accessory to it by introducing the bog-trotter to the village.

CHAPTER X.

FROM what has been stated of the activity of mind among the inhabitants of this village, and especially from the samples that have been given of their attention to politics, it will not be a subject of wonder, that there was a village coffee-house, on a small scale, in this place, and that the people sometimes met here, to smoke a pipe, and take a glass of beer, and read a news paper. It might be called a beer-house, if what was drank in it gave the name; for more ale was drank than coffee; but, in imitation of the larger towns, it was called a coffee-house. It happened that the Captain wishing to learn the news of the coffee-house, took a walk there.

Teague, with what he had collected from the sale of the drugs, had been here before them; and taking on himself the air of a politician, had called for pipes and tobacco, and was looking over a gazette; not that he could read; but to induce people to believe that he read; occasionally also, as if unconscious of those around him, throwing out a sentence, in French; a little of which he had acquired as a parrot would language: such phrases as, *save qui peut: tam pis pour lui; a la guillotine.* Nor did he neglect the shrug of the shoulders, a habit of expressing the emotions of the mind, which remained still in some degree among the republicans, though it had been contracted under the monarchy, when people were afraid to speak out, and raised the back, when they did not dare to lift the voice; and dumb signs served instead of a viva voce declaration. This suited the bog-trotter and enabled him to conceal his ignorance. Not that he had the prudence to intend this; but imitating what he had seen abroad, he took up the character at home.

The attention of the benches was attracted by his physiognomy, and attitude; and in the opinion of some, he was taken for a French minister or consul; by others for an emigrant of distinction that had lost his property, for the sake of his title of nobility.

The Captain hearing these surmises, impelled by the natural candour of his mind, could not avoid explaining.

It is neither French minister, nor consul, said he ; but my bog-trotter, that I had detected some time ago, selling drugs, and passing himself for a physician. He might be qualified to be a horse doctor, but certainly not to practice on the human constitution. But what particularly excited indignation, was his purloining the medicines, taking and carrying away, what did not belong to him, and was aggravated by the circumstance, of the things being thrown into the open air, by the rioters who had broken the house, and dispersed the shop, to the great injury of the poor apothecary whose property they were. I had taken it on myself to chastise him, considering myself under obligation to restrain him, having been accessory to his coming to the village. And if you will give me leave gentlemen, and excuse the time and place, I will take the liberty to deal a few blows at this instant, as he cannot conveniently escape from the boxes before my stroke overtakes him.

Not giving time for reflection, or reply on the part of those present, he raised his baton, and was about to strike ; Teague on the other hand, had up his heart of oak, also, if not to offend, at least, to defend, and parry the stroke ; his countenance in the mean time arguing submission : his words also, whether from fear, or respect, softening and conciliatory. God love your soul, said he, and be aisy ; and not be after bating me before dese pable dat know nothing o' de matter ; that will take you for an ould fool, bating and fighting for nothing : Just for making copper out o' de offals of a farrier, selling dem to de pable when de mountebank himself ran off. It is a good job to be making a penny in hard times. If your honour will give me leave, I will introduce your honour, to dese pable dat have taken me for a French minister. I tought I had looked more like a papish Praist. But as dey know best, it is all de same to me. I will drink your honour's health in a tankard of ail if your honour will plase to call for it. Dese shivil looking strangers, dat I never saw before, will like your honour better than kicking and cuffing wid your shalelah, and putting yourself in a passion wid a bog-trotter, dat never meant you any harm.

The address seemed reasonable ; and those present interfering, the Captain consented to let him off, advising more honesty and fair dealing for the future. But, in his apology to the company, for what might seem an

impropriety in behaviour, he was led to give the history of the Hibernian, and the circumstance of his being in France, which accounted for his affecting the French manner, and occasional attempts at the language. This in the mean time led to a general conversation on the affairs of France, and the history of the revolution. Observations were made above the ordinary stile of beer-house conversation; and of which, though expressed in a desultory manner, as each one took the pipe from his mouth, or listened to the suggestions of others, it may be worth while to give a sample.

One of these who had a considerable fluency of tongue, and ready memory, observed, "That the loss of liberty in the course of that revolution was owing to the unskilfulness of those who conducted it."

But in like situations, said another, is it reasonable to expect more skill? The mass of the people conducted the revolution, and is it in the nature of things, for them to stop at a proper point?

It is in the nature of things, said another; but it is a *rare felicity*. It is natural to distrust him who proposes to stop short of what seems a complete reform. The sovereign people is as liable to the impulse of passion, and as open to the insinuations of flatterers as an individual tyrant. The courtier devoid of principle, in the democratic hall, gets the ear of the populace, as he would that of a Prince, and abuses it.

I do not know well what a man can better do, said another, than just to fall in with the current of opinion, and when it changes, change with it. We are right, say the people. You are right says the man of prudence. We were wrong, say the people. You were wrong, says the same man. Who is ever displeased with a person that has been in the same error with himself?

That is true, said the Captain; but is there no such thing as public spirit? Is there not a spice of virtue to be found in a republic? Who would not devote himself for the public good? Were Phocion, and Philopoemen time servers? I grant that it is not the way ultimately to make friends of them, and to have their confidence. Let school boys propose to rob a hen-roost, they will respect him who dissuaded, though it was not popular, but incurred the imputation of cowardice, and a want of spirit, at the time. Let them rob a garden, and be brought to punishment, they will revere him who had told them

it was wrong, but was hurried along with them, and suffered by their fault. It is by these means that amongst savages, strong minds obtain the ascendancy and are trusted by the nation. Great is the force of truth, and it will prevail. It requires great courage to bear testimony against an error in the judgment of the multitude; as it is attended with present disreputation. Yet courage is virtue, and is its own reward.

The great mischief of democracy is party, said an orator, who had taken the pipe from his teeth.

It is the great advantage of it, said his neighbour. It is the angel that descends at a certain season and troubles the pool of Bethsaida, that the lame person may be made whole. Were it not for party, all things would go one way; the commonwealth would stagnate.

But let one party obtain the ascendancy, and does it not come to the same thing. All things will go one way then; or rather stand still.

Not so, said the Captain; no party can maintain power long. The ascendancy carries its overthrow along with it. The duration depends upon the judgment of the leaders of the councils. But the leaders, will find that they cannot lead always. While they were struggling up the ascent, every one was willing to be helped, and took advice. But on the top of the precipice, scamper and hoop, and there is no restraining them. A leader of judgment, will always find it more difficult to manage his own people than to combat his adversaries. They cannot be brought to halt at a proper point; and their errors bring them down again, as those in power did before them.

However, this is wandering from the point, said a man in a black wig; we were talking of the French; who says that Bonaparte did not usurp the government?

I am of that opinion, said the Captain; for there was no government to usurp. He put down the directory, who had themselves put down the councils. The banishment to Cayenne, is a proof of this.

I agree with you, said an individual on the other side of the box, or bench, as it rather might be called. It was the Mountainards that ruined the republic, at the very time they were running down others under the charge of incivism, and conspiracy against the republic.

Doubtless, said the Captain. It is in popular intemperance, that aristocracy, and despotism have their source.

At this instant the blowing of a horn announced the arrival of the post; the late papers were brought in and all began to read.

CHAPTER XI.

THE Captain having a short space of time to spare from his avocations, and disposed to take the air, had walked out, and coming near the small building which served as a hospital for the village, was disposed to visit it and see the state in which it was, with what new objects, since he had been absent on his peregrinations.

He was shown by the keeper an extraordinary object in a cell, a man who imagined himself a moral philosopher, delivering lectures. His observations were occasionally fraught with good sense. While the Captain stood, in the passage opposite his door, he made a note of some part of his discourse, and which, having had an opportunity of copying, we shall give to the reader. It was on the subject of the resentment of injuries.

"It is a strange thing, said he, that we cannot submit with equanimity to evils in the moral world, as we do in the natural. We expect a fair day, and there comes a foul. Is it any gratification to us, to beat the air, or stamp upon the puddle? Who would think of giving the cow-skin to a hurricane? Yet the greatest damage is sometimes done by a blast of wind. He would be thought a madman, and be sent to this place, who was apprehended buffeting a whirlwind, even though it had torn up by the roots, or broken down a fruit tree. He must be out of his senses indeed, that would have recourse to a bludgeon, in case of an attack by an inundation. It would be a laughing stock to see even a Turk giving the bastinado, to a hot season, or to cold weather. The knout to a Russian winter! Did the Pope ever excommunicate a storm on the ocean? What man is angry with a squall of wind? He considers it as an evil, and composes his mind to the loss of his merchandize. Is ingratitude less to be expected? And yet when it happens, we reprobate, and seek revenge. Sufferings from moral causes, are just as common as from natural. And yet when an injury is committed by a human creature, we are taken by surprise, and lose temper. Cannot we turn away, as from a sudden gust, and take shelter under some one willing to protect us, without thinking more of the enemy that had beaten us, with his fist, or abused us with a

bad tongue? The pelting of a hail storm never induces you to use hard words, or to demand satisfaction of the atmosphere; and yet you will send a challenge, and risk your own life to punish a man that has barely slighted you in manner or in words. Why not take the other side of the road, and pass him by as you would a pond of water, or a marshy place? Cannot we take the necessary precautions against calumny, as we would against foul air, without putting ourselves in a passion with the author of the defamation, any more than with a vapour, or an exhalation? But there is such a thing, as will and intention in the moral agent. Is this any thing more than an idea, a matter of our own imaginations? it is the same thing to us whether there is a *spirit* in the winds, or *no spirit*, when a house is blown down, or the roof carried away. What is it to us, whether the cause thinks, or does not think. We blame it the most sometimes because it does not think. We call in question the understanding of a man when he wrongs us; and say, if he had the reflection of a reasonable being, he would have conducted himself in a different manner. And yet the consideration that he had not reflection, does not mitigate, but increases our resentment. Oh! the inconsistency of human life and manners. I am shut up here as a madman, in a mad place, and yet it appears to me that I am the only rational being amongst men, because I know that I am mad, and acknowledge it, and they do not that they are mad, or acknowledge it."

As far as my small judgment goes, says an orator, when he is about to express an opinion, and yet he does not think his judgment *small*. He would take it much amiss if any one took him at his word, and would say, true it is, *your judgment is but small*. All think themselves wise, wise, wise. But I say, fools, fools, fools — At this he threw himself down on his couch, and fell asleep.

In the next apartment was an insane person, who styled himself the "Lay Preacher," who took his text as usual, and began to preach. Book of Judges, 21. 25. "In those days there was no king in Israel; and every man did that which was right in his own eyes."

That was right, said a mad democrat, who was confined in a cell across the passage. When we got quit of a king, the same thing was expected here, "that every man should do that which was right in his own eyes;"

but behold we are made to do that which is right in the eyes of others. The law governs, and this law is made up of acts of assembly, and the decisions of the courts; and a kind of law they call *the common law*. A man's nose is just as much upon the grind-stone as it was before the revolution. It is not your own will that you must consult; but the will of others. Down with all law, and give us a free government, "that every man may do that which is right in his own eyes."

Madman, said the preacher; thou knowest not what thou sayest. It is not allowable that men should do that which is right in their own eyes. A man is not a proper judge of right in his own cause. His passions bias his judgment. He cannot see the right and justice of the case. The want of a king in Israel was accompanied with the want of laws. I do not mean to say that without a king there cannot be laws. But kings are put here for government, that being the government, at that period known in the world. For even a mixed monarchy is an improvement of later times. The meaning is, there being no government, every man did that which was right in his own eyes; and ten to one, *but it was wrong in the eyes of others*: A wild state of anarchy. A time for Sampson to live, that could knock down people with "*the jaw bone of an ass*."

What worse, said the democrat, than amongst us, where we see honest men knocked down with the *jaw bones of lawyers*, arguing a cause, and the judges that decide upon the case.

Passing on, the Captain came to the stair case, and ascended to the second story; he wished to see a mad poet who had been engaged in travestying his travels. He had the advantage of a commodious apartment, more so, than some of those who have surpassed him in his art in different places and periods of the world. The poet Dryden was not so well accommodated, at the time he wrote his *St. Cecilia's Ode*, which is thought to be the best of his compositions. The poet that we have before us, was a quiet man, and had the privilege of the hospital, to go and come as he pleased, but not to go without the walls. He was confined here by his relations merely as a matter of convenience, being so absent in mind, that he was incapable of taking care of himself. The manuscript, in doggerel verse, would seem to be sufficient to compose a book, half as large as *Hudibras*.

He was overjoyed to see the Captain, who was the hero of his poem ; and the Captain was no less amused to see him, and the adventures of which he made a part, turned into rhyme. His sensations were equally sublime with those of the Trojan hero, when he saw the war of Troy in the paintings hung up in the hall of the queen of Carthage. The circumstance was not less entertaining to him as the actor, or the speaker in the course of the adventures so recorded, and he consented to accept a copy, not that he meant to give it to the press, but to cast his eye over it, for his particular amusement : nevertheless, the manuscript having fallen into our hands, we shall select parts of it, and according as the reader seems to like that which he gets, we shall give him more. In the mean time we shall dismiss the Captain from the hospital, not but that there was much more to see and hear amongst the Bedlamites still, but affected with melancholy and weary of the scene. At the same time doubting with himself, whether those he saw confined were more devoid of reason than the bulk of men running at large in the world. He had no doubt of one being a lunatic of whom the keeper made mention, but whom he had not an inclination to visit, in the second story ; for he was said to be employed looking at the moon, with a pair of spectacles which he took for a telescope. For lunacy means moon-struck, and this seemed to be the case with him.

CHAPTER XII.

HAVING turned his back on the hospital, there was a concourse of people : the cry was a new code of laws.

A new code ? said a grave man. Is not the old, the result of experience, a gradual accession of rules and regulations in society ? Begin again, and you would come to the same result at last. But to form laws from abstract comprehension, fitted to all exigencies, is not within the compass of the powers of man. It is sufficient if he can form a schedule or plan of government ; this is the outline ; the interior gyrations, must be made up from repeated experiments.

The words new code, were mistaken by some amongst the crowd, for no code.

No code was repeated through the multitude.

What, no laws at all ? said the grave man.

No laws, was the outcry immediately, and every vociferous person wishing to hear himself speak, and every timid person afraid of being suspected of incivicism, began to call out, no laws.

That will never do, said the grave man, it were better to have no judges than to have no laws, or at least as bad. For how can men judge but by laws. Arbitrary discretion is a blind guide.

The words, no judges, had been heard more distinctly than the rest, and supposing it to be a substitute for no laws, voices came from every quarter in support of the amendment. I support the amendment ; I agree to the substitute, no judges, no judges.

The clamour became general, down with the judges.

This puts me in mind, said the Captain, of the sermon of the Lay Preacher. I should have no objection to an amendment of the law, or to new judges ; but no laws, no judges, is more than I had expected to have heard in an assembly of republicans.

A person standing by was struck with the good sense and moderation of this remark, and stepping forward, made his harangue.

I will not say, said he, that I am for no judges ; but this I will say, that new judges is a desideratum in the

body politic. The greater part that we have are grown gray, and are as blind as bats : they cannot see without spectacles. I am for new judges.

You talk of judges, said the grave man, as if it was as easy to make a judge of law as to make a bird-cage, or a rat-trap.

What, said a merry fellow, shall we have new shoes, new pantaloons, and new every thing ; and shall we not have new judges ? We shall never do any good with the present set of judges on the bench.

It was carried that there should be new judges.

But having disposed of the old, it became a question whom they should elect for new. The bog-trotter was proposed for one, having had his name up before in the matter of the newspaper.

What, my waiter ? said the Captain. Yes, your waiter, said a wag, or a fool, I do not know which.

You astonish me, said the Captain. My waiter a judge of the courts. He will make sad work on a bench of justice. He will put down all law. He will silence all lawyers. He will have no law ; no books ; no cases ; all plain sailing with him. Every man his own lawyer, state his own cases, and speak for himself. No Hooks and Crooks ; no Hawkins ; no Bacons ; or Blackstones ; or Whitestones ; no Strange cases ; no law of evidence. Every man sworn and tell what he knows, whether he has seen it, or heard it, at second, or at first hand : interest or no interest ; all the same ; let the jury believe what they think proper ; and the judge state the law from his thumbs ends without books.

This is madness, and here I have more trouble on my hands with this bog-trotter, than I have ever had before. It is a more delicate matter to see him placed on the seat of justice, to administer the laws, than to be in the senate house, and assist to make them. For in that case he would be but a component member of a great body, and his errors, might be lost in the wisdom of the other members. But in the capacity of judge he is sole, or with but a few, and it is an easier matter to frame a single law, than to expound and apply a thousand.

Gentlemen, said he, addressing himself to the multitude, you will ruin your administration. You will bring disgrace upon it. The people will not feel your error at once ; but they will feel it by and bye, and will depose you who have been the most active in this cavalcade.

That is, they will withdraw from you their confidence. The abuse of power leads to the loss of it. No party in a government, can exist long, but by moderation and wisdom. *The duration of power, will always be in proportion to the discreet use of it.* I am shocked at your indiscretion. Have not some of you read Don Quixotte? In the capacity of judge, Sancho Panza made some shrewd decisions; or rather Cervantes made them for him; for, I doubt much whether Sancho ever made one of them. But who is there of you, will make decisions for Teague. I doubt much whether he would take advice, or let any one judge in his behalf. Besides that of a judge is not a ministerial office, and cannot legally be exercised by deputy. You will make pretty work of it with Teague for a judge. It may be according to the light of nature; but not according to the law of nature that he will judge. At least, not according to the law of nations: for no nation under heaven ever had such a judge. Not even in the most unenlightened times. If he had a knowledge even of the old Brehon law, in his native country, it might be some help. But in matters of meum and tuum he has a certain wrong headedness that hinders him from ever seeing right. He thinks always on the one side; that is on his own side. But what he would do between suitors, I am not so clear, but I take it he would be a partial judge. The man has no principle of honour or honesty. He would be an unjust judge.

Will not the commission make him a judge, exclaimed one of the multitude.

But will it make him capable of judging? said the Captain.

Why not? said a boisterous man. What else qualifies or makes fit? Can the most sensible man, or the most learned person, judge without a commission?

Doubtless that is the authority, said the Captain. But still the capacity.

Capacity! Said a man, with a bit out of the one side of the membrane of his nose, snivelling in his speech; capacity! Give me the commission, and I will shew you the capacity. Let me see who will dare to question my capacity.

Such a burlesque, said the blind lawyer, tends naturally to the overthrow of justice. For able and conscientious men will withdraw from a degraded station. In-

trigue, worse than, perhaps, the arm of flesh itself, will come to be employed in the management of causes. Security of person, property, and reputation, the great end of civil institutions, will be rendered precarious. The security of them depends upon fixed and known rules, as well as the application of them. It is not an easy matter to attain a knowledge of these rules. The laws of a single game at school, or of such as employ manhood, in an hour of amusement, is a thing of labour to acquire. The law parliamentary, or rules of a legislative body, is not learnt in a day. And yet without a knowledge of it, there is a want of order, as well as dispatch in business. The laws of municipal regulation in a community, laws of external structure, and internal police, are not attainable with the celerity of a moment's warning. But when we come to the rules of property, the laws of tenure and of contract, a field opens, that startles the imagination. Even the study of years, makes but a sciolist. But, you will say, lay aside rules. Let all decisions spring from the dictates of common sense applied to the particular case before the judge. But the mere arbitrary sense of wright and wrong, is an unsafe standard of justice. A free government, is a government of laws. A Cadi or a Mufti are tolerable only in despotic countries. You are destroying your republic by undermining the independence, and respectability of your judiciary. It is that branch of the government, on which liberty most essentially depends.

The multitude seemed to be but little moved by these observations, which made it necessary for the Captain to try what could be done with the bog-trotter himself, to dissuade him from accepting the appointment. Accordingly, taking him aside, he spoke to him as follows :

Teague, said he, will there be no end of your presumption? I take it to be a great error of education in our schools and colleges, that ambition is encouraged by the distribution of honours, in consideration of progress in letters; that one shall be declared the first scholar in languages, another in mathematics. It is sufficient that the fact be so without announcing it. The self-love of the student will find it out himself, without information, and his fellows will be ready to acknowledge it, provided that it is not arrogated, or a demand made that it be formally acknowledged. For this takes away the friend-

ship of others, and corrupts the moral feelings of the successful competitor himself. Ambition springs up, that accursed root which poisons the world. Now, you cannot lay your ambition to the charge of schools or colleges: for, you have never been at any seminary whatever, as far as I understand, if I may guess from your want of attainments in academic studies; and yet notwithstanding you have never been in the way of the distinction of grades, and prizes, and literary honours; you have discovered an ambition of a full grown size, even at this early period of your life. It must be a bad nature that has generated this preposterous aiming and stretching at promotion. A wise man will weigh what he undertakes; what his shoulders can bear, and what they cannot. He will consider whether the office is fit for him, or whether he is fit for the office. He will reflect that the shade is oftentimes the most desirable situation. Do you see that bird upon the tree there? It builds its nest with care, and endeavours to render it convenient. But does it build it on the topmost bough, exposed to the sun, and the heavy rain; or rather does it not choose an inferior branch in the thickest of the umbrage? Take a lesson from the fowls of heaven, and the brutes of the field. It is not the elevation of place, but the convenience of accommodation that governs them. Ambition is an accursed germ of evil in the human mind. It is equally destructive of the happiness of the possessor and of that of others. You a republican, and yet destitute of republican virtue, the basis of which I take to be *humility and self-denial*. Were I the master of an academy, the first and continual lesson would be, to attain science, and be learned; but as to seeming so, to consider it as of no account. *Science would discover itself*. The possessing knowledge would be its own reward. The concealment of all self-knowledge of this advantage, not only constitutes the decent and the becoming in life, but lays the foundation of emolument *in the good will of others*. It may be pardonable in early age to have pride in the advantage of bodily form; but we call in question the modesty of a youth, male or female, who seems to set an inordinate value on a limb or a feature. How much less tolerable, *the pride of mental superiority*. But of all things under heaven the most contemptible, and the least sufferable, is that of incompetency to a trust, and the aspiring to a place for which the candidate

is not qualified; or, even if qualified, against modesty, and the claims of others. It brings a man to be the subject of a laugh, and ridicule. Do you know that the making you a judge, was but a farce, in the manner that Sancho Panza was advanced to a government. You have read the *Don Quixotte* of Cervantes, I presume. But what do I say; you read *Don Quixotte*! you have read nothing; and yet you would be a judge. Ambition, I tell you is an evil. You have read of Julius Cæsar, in the Roman history. Again I forget myself. You have read nothing. But I may tell you of him. What was the purple to him compared with losing the affections of his countrymen? Though, by the bye, there is some reason to think that it was neck or nothing with him, and that self-preservation made it necessary to usurp the empire, things having come to that state at Rome, that if he did not usurp, another would. But a good republican, and a virtuous man, would rather fall, than save his life at the expence of the rights of others. But it slips my memory that I am talking to a bog-trotter. There is no making a silk purse out of a sow's ear. Suppose you were made a judge; in this hurly burly of the public mind, would your standing be secure, even with the most perfect competency for the place? You would not stand two throw's of a weaver's shuttle. Your chair, under you, would be like an old piece of furniture bought at a vendue, put together for sale; the glueing gone, and the joints broken. It would fall before it had felt half your weight, and leave you with your backside upon the floor. New judges to-day, and the public mind would have desired new judges to-morrow. Consider the physical consequence of being broken from the bench. Take my word it is not a common breaking this; it will affect your frame at every change of the weather. It will make an almanac of your whole system. It will make your joints ache. It will be worse than a sprain in the ankle; or a rheumatism in the limbs; or a sciatica in the small of the back. It will give you a cholic every new moon, and take away your sleep at midnight.* It will give you the jaundice; and hurt your complexion. Your eyes will become yellow, and your cheeks green. You will lose your appetite; and not be able to eat, even when you can get it. Why man, it will blister your feet, and break your shins. It will bring you to death's door, before you have lived half your days.

By de holy poker, said Teague, I will be no judge, if dat is de way of it. Dey may judge for demselves; I will be no judge. De devil a judge will I be; I would sooner dig turf or be a horse-jockey at fairs in Ireland, dan be a judge on dose terms; so dey may make whom dey please a judge for me.

CHAPTER XIII.

CONTAINING OBSERVATIONS.

TO speak seriously upon the subject, I doubt much, whether in the present commercial state of society, and where property is not held in common, people would be safe and prosperous without law altogether. I do not know whether, even lawyers are not a necessary evil. It is true, they take up more time, than is perhaps necessary, in their pleadings, and cite more authorities than are absolutely applicable to the point in question. The younger counsel read authorities, to shew that they have read, and the older to prove that they have not forgotten. I would allow ninety nine cases out of an hundred, that have nothing to do with the matter; but the citing five hundred cases, not one of which is any thing to the purpose, is carrying it to an excess which in strictness cannot be justified. It takes up time, and is not paying a proper respect to the common sense of the country. A little original reason and reflection of the advocate himself might answer the purpose in some cases. The reason of a man's own raising, may be as good as that which is bought at market.

—What is't us,

Though it were said by Trismegistus?

Not that I mean to undervalue, much less to lay aside altogether, the assistance of borrowed reason, and the auxiliary deductions of other men, whether on this side the water or beyond it. But there is such a thing as being enslaved to authorities, or at least, loading the argument with too much incumbrance of quotations. It depends a good deal upon the countenance given by the court to such a lumber drawn from old books; yet the correcting it requires an infinity of care, lest you lose the advantages of recurring to first principles.

Antiquos recludere fontes. The profound divine reads the commentators and thence assists the comments which he makes himself. The avoiding one error leads into a worse.

—*Fuga Culpæ,
In vitium ducit.*

In tearing up the darnel, the wheat may come with it. The books must be read.

Nocturna manu, versate diurna.

But in an argument, I value more the judgment of selection, than the labour of collecting. It is a flattering thing to a court, to take it for granted, that they understand first principles; and even a jury are not displeased when you seem to suppose in the summing up the evidence, and the remarks upon it, that they themselves can see a thing that is as plain as a pike-staff. Hence long speaking, and an over-minute investigation, is sometimes odious. Or to attempt to make them believe what cannot be believed, makes a man sick, provided he is not disposed to laugh. This depends a good deal on the natural playfulness of his mind or the mood in which he is, from the want of food, or sleep. I excuse the people shewing a dissatisfaction to the trial by jury, under the pleadings of advocates, when the harangues, in an evening are like to prove eternal. When the stream of the orator turns upon itself; visits the ground that it had left, and is unwilling to quit the enchanted borders of the argument.

Yet, I think, all things considered, that there is some use in courts of justice; and that it would not consist with antient habits, to lay them aside all at once. Liberty has been accustomed to them. I do not find that she has ever done without them. Wherever she comes, she seems to call for them.

There is a strange coincidence between liberty, and an established jurisprudence. Whether it be matter of accident, or a connection in the natural existence, may deserve investigation. To give the devil his due, there is a good deal of pains taken in the courts to secure a fair trial, in the empanneling the jurors, and the admissibility of evidence, whether oral or written. As to the protecting the suitors from each other, and what is called *the consequential contempt*, it is a matter too delicate to touch upon, and we shall pass it by. But it seems to me the peace is better kept, than if there were no courts at all, and no protection given to the parties, relative to the matter in question, even out of doors. However, this I leave to the consideration of the prudent.

Some are of opinion that it would be better to argue all matters of meum, or tuum, in the public papers, or in hand-bills posted upon trees. The principal objection I

see to this, is that the suitors waxing warm in the controversy, would call one another names and come to blows. A great deal of ill-blood between neighbours might shew itself. How could you keep lawyers from writing in the gazettes, any more than from speaking at the bar? And here, their jargon reduced to paper would spread wider, and have more permanence than floating on the atmosphere with which their breath had mixed it in the first instance. The theories of ingenious men are not to be discouraged; yet it is not to be taken for granted that every theory that is plausible, is practicable; and will be found to answer the expectations of the most deliberate projector.

The independence of judges, is a favourite theme with the judiciary themselves. And doubtless there is some reason on their side. For the Scripture says, "*the fear of man bringeth a snare;*" and the man that has most influence, in elections, is likely to be most *fear'd* by an *elective officer*. It would not be a state conducive to justice; that in giving judgment, the judge should not be under the temptation to be looking about, and turning in his mind, the probability of being turned out in consequence of the judgment he was then to give: whether John O'Nokes, or John O'Stiles were to be the next members of the Legislative body. But this supposes judges fallible, and subject to the weakness of human nature, which is not to be supposed at all.

But if you confer independence any more than in a ministerial officer, the judge becomes impudent. Power corrupts. It is natural to count too much upon a man's standing. Every one overrates his own importance; much more his own services. Self-love, and self-consequence swells, and produces oedematous effects. The man that has given his vote at an election, or written a paper, will conceive that he has turned the election; *that day light springs because he has croaked*. He will denounce the man that differs from him, as swerving from the faith; the orthodoxy of the creed; making no allowance for the different organization of the brain, and the conception of things. How much more intolerant is a man like to be, that conceives himself fixed in a seat for an interminable period.

There is such a thing as tyranny in judges; and I am no enemy to the investigation of official conduct. But let the power paramount, the people, take care that they

exercise not tyranny themselves; or give way to passion, which even in a body politic, is possible. Let the sovereign, like that of all the earth, do justice; and consider that the possession of power is upheld by justice.

But as to the notion of some, that law, lawyers, and judges, might be laid aside altogether; I doubt as already hinted, the good policy of this. At least the experiment may be premature. Republican principles have purified the world a good deal; but I do not know that it is just come to this, that men are universally virtuous. Some vestiges of that iron-age yet remain. The old man of federalism enters yet a little into our dealings with each other. I admit that public offices are pretty well purged; but there are unfair transactions yet spoken of among the multitude. It may be too soon yet to abolish all law, and jurisprudence. I admit that courts of law are a check upon the freedom of the press, and I excuse the publishers of gazettes, in their zeal to have them overthrown, or at least reduced to fear and subordination. Because it is drawing all things to their own examination. But are they sure that they are good republicans in this? Or, indeed, that they consult their own security in the event of this license. For prostrate the courts, and the cudgel prostrates themselves. While they are pushing at a judge, they are preparing the way for some robust man in due time, to push at them. With different weapons it is true. For the weapons of the press, are spiritual, or of the mind; but that of the bludgeon is corporal, and made of wood, or some other material of a solid substance. It is not the interest of a printer that a judge be rendered timid, by persecution; for he stands between the cudgelist, or pugelist in a controversy with the man of types. Thus the freedom of the press, is supported by the laws, and by the due enforcement of them. Yet it is natural for a man at first view, to think, that if there were no courts, he could write with less restraint. He could make every man tributary to his opinion; or to his measures; for if he did not libel, he could threaten to libel, and compel a submission.

It seems to me that a poor man is safer in a country of laws, than one without laws. "For wealth maketh many friends;" and I do not hear any complaints that the rich are favoured in the courts. But, that may be owing to the mode of trial, which is in the face of the world, and where lawyers are suffered to make as free with the

character and conduct of a rich rogue in a cause, as with one of a more circumscribed estate. This last is one argument I have just hit upon, in favour of lawyers ; and I find myself well disposed to give them a lift when I can with propriety. For though I would be willing to muzzle them a little in their speeches ; yet I do not wish to see them run down altogether.

Fortitude is a requisite qualification in a judge. It requires resolution to preserve order at the bar ; overawe petulance ; arrest impertinence in manners, or in argument ; suppress side-bar conversation ; and render the practice tolerable to practitioners of mild and modest demeanor ; of delicate and gentle disposition ; of scrupulous honour, and liberality in the conduct of a suit, or management in courts. Resolution is necessary to decision unequivocal and satisfactory, unawed by forensic opinion or the influence of individuals. It is dangerous therefore to sap this spirit of independence, by the precarious tenure of the office, while at the same time the right of the citizen is examined, and the power of the court considered in its latitude and operation. All I mean to say, is, that the examination of the judicial conduct is a high trust, in the view of an enlightened public, and answerable to the present time, and to posterity, for the consequences.

CHAPTER XIV.

WHAT is the reason of the fluctuations of parties in republics?

The reasons are many. But one is the unskilful driving of the state carriage, by those who get possession of the curricule. Phaeton, you know, though he had the best advice from his father

In medio tutissimus ibis.

The middle way is the best; yet before the middle of the day he had set the earth on fire. The people are always honest, but oftentimes the instruments of their own servitude; by distrust where they ought to have confidence, and confidence where they ought to have distrust. The bulk cannot have perfect information; and that reach of thought which observation, and experience gives. They must trust a good deal to others in the science of government, and the expediency of public measures; and it depends upon those whom they do trust, whether the power of a party is long lived, or short. All depends upon the wisdom, and integrity of those that lead. What ruined the federal administration, but the intemperance of driving. The upright disapproved, and the prudent forsook it. The unskilful pilots were not aware of an under current that had begun to set. Extremes will always beget the same effect; and like the tension of a chord, produce a return in a contrary direction. Judgment, how far to go, and where to stop, is the great secret. Trained shaft horses, that will back down the inclined plane of a hill, are excellent in a team. Younglings, though mettlesome, and generous, are apt to draw too fast, upon a declivity or even on a plain.

For that reason, I cannot say, that I am favourable to a change of representatives every year, even when what has been done, does not altogether please me. Because experience is a great softener of the mind; it gives knowledge. A man after some time begins to understand the game, and to find out who it is that takes a lead with a view to some object of his own. That may be unfathomable in the early breaking of the business, and yet come out at last. *Or a man may come to see his own error, and profit by the recollection.*

But how will an honest man in a deliberate body, know what to trust but his own judgment? Nothing. Then let him think humbly, diligently, extensively, distrusting pre-conceived opinions, and laying his mind open to the light of truth. Yet there may be some rules to guide the judgment. Such as trusting the judgment of others who have had experience in the science, or establishment, relative to which, the question is agitated, or the measure proposed. Every one is to be trusted in that thing, of which he has some knowledge.

That man is to be trusted who is free from the imputation of inordinate selfishness in private life. You will find an artist that is fonder of the art than the emoluments. There are men that connect the public good with their own happiness; generous spirits who manifest this by their disinterestedness in ordinary transactions. This is a good sign, and ought to inspire confidence in their agency, in public matters. *The man that covets good will more than money, and the praise of benevolence, more than that of private gain*, has some soul in him, and other things equal, is to be trusted before him of a contracted spirit, and self-love, in all his actions.

But after all, things will take their course: and no party in a republic will retain power always, because they will abuse it; but the duration of power in an elective government, will depend considerably upon the being able to distinguish between vigour and moderation.

CHAPTER XV.

CONTAINING OBSERVATIONS.

THERE is a natural alliance between liberty and letters. Men of letters are seldom men of wealth, and these naturally ally themselves with the *democratic interest* in a commonwealth. These form a balance with the bulk of the people, against power, springing from family interest, and large estates. It is not good policy in republicans to declare war against letters; or even to frown upon them, for in literary men is their best support. They are as necessary to them as light to the steps. They are a safe auxiliary; for all they want is, to have the praise of giving information. The study of political law, and municipal jurisprudence qualifies to inform, and hence at the commencement of the American revolution, lawyers were the first to give the alarm and assert the rights of the people. Shall we forget the recent services of lawyers in framing the federal, and state constitutions? The name of lawyer ought not to be hunted down, because there are characters, unworthy of the profession with whom the love of money is inordinate, and insatiable.

There is ground, for the regret, that literary institutions are not favoured; that it has become a popular thing to call out against learning, as not necessary to make republicans. The knowledge of our rights, and capacity to prosecute, and defend them, does not spring from the ground; but from education and study. Under a federal government, we are peculiarly situated. We stand in need of law, learning, and legal abilities to support ourselves in a contest with the claims of the general government, which, as it bounds the state jurisdiction, must, in the nature of things, encroach upon it. It is of great moment, with a view to this very object, that our judiciary be composed of able men, that under

the concurrent jurisdiction of the courts, it may be able to hold its own: or more especially, that from a want of confidence in the abilities of the state judges, recurrence may not be had to the tribunals of the United States, by legitimate election, or by those collusions against which it is difficult to guard.

CHAPTER XVI.

THE rumour had prevailed, that the judges had been broke.

Is it upon the wheel? said a learned man; for he did not think it could be with the bow-string that they had been punished; for that is the mode towards public officers, in the dominions of the Grand Seignior; nor did he think it could have been with the knout or bastinado; as that is usual only in Russia, and makes a part of the penal code, at the discretion of the Czar.

Not upon the wheel, said a by-stander; they are not broke in that sense of the word. It is but a removal from office, that is intended by the word broke; and not the breaking of the back, or the limbs, or any part of the body.

Why break them? said the learned man, even in that sense of the word. That is remove.

Because they gave a wrong judgment, said the by-stander.

There could na be a better reason, said a Scotch gentleman, it is contrary to the very end o' their creation.

Why not reverse their judgment? said the scholar.

Because it is better to reverse themselves, said the Scotch gentleman; and let them and their judgment a' go together.

At saying this, a person came in who gave intelligence, that the 4th of July being about to be celebrated, the people had made choice of Teague O'Regan, the Captain's man, to deliver an oration, on this, the anniversary of our independencé, and to draw up the toasts.

Will absurdities never cease? said the Captain, in a free government. My bog-trotter chosen to deliver an harangue, in commemoration of the men, and measures, of our great national contest! It is for the celebration of the festival. Astonishing!

Teague, said he, I could have put up with the great variety of functions, to which you have been proposed; or have proposed yourself; even that of a judge of the courts of law; as being matters of a mere secular nature, and forensic concern; but to be the organ of the

celebration of a festival, which has become in a manner sacred, by the cause to which it is consecrated, is beyond all endurance; and as to the drawing up toasts, or sentiments for the day, you are incompetent. You may be equal to the fabrication of a common place allusion to the prevailing cry, and make it the voice of the occasion, as for instance, to give a slap at the judges.

But as to hitting off thoughts on the principles of government; or practical application in the measures of the administration, you are unequal to the task.

With regard to Teague himself, he had as little thought of delivering an oration, or drawing up toasts, as any one else could have. The apothecary who meant to sell medicines on that day, on a stage, had employed him to act in the capacity of tumbler; not that he could tumble; but that he could not tumble; and so, by preposterous attempts at agility would answer the purpose of moving laughter, and drawing the attention of the multitude, who being collected for that purpose, might be drawn into another, the purchase of worm powders, lozenges, and usual drugs.

The celebration of our national anniversary, will no doubt, be continued while the union of these states exists. It may be continued by the parts probably after a dis-union; an event certain, and inevitable; but which, the wise and the good delight to contemplate as remote; and not likely to happen for innumerable ages. The orations delivered on this day, may greatly contribute to postpone the event of a dis-union, by patriotic, and conciliatory sentiments. For this reason, the best abilities, and the most virtuous hearts ought to be chosen to be the orators of the occasion.

But the toasts, or sentiments given on the convivial libations; not in honour of imaginary deities, as amongst the Greeks and Romans; but in honour of deceased heroes, who have passed from a scene where they were mixed with us, and to a scene, where we shall be mixed with them; these expressions of the public mind, ought to be the peculiar care of the aged and the wise. They ought to be the lectures of wisdom. Taking up the matter in this point of view, what delicacy ought to be attached to the expression of sentiment. Let it be considered that on a single thought may depend the essence of liberty; health or poison may be communicated by a word. For the toasts of this day are considered as *indi-*

cations of the public will, and yet without a due sense of the solemn obligations of honour and honesty, toasts are brought forward, perhaps by an individual, in accommodation to a local prejudice, and merely to accomplish the purpose of an election to a public body. For the fact is that toasts are not always real expressions of the sentiments of even a majority of those who suffer them to pass; they are introduced by the mistake of those, who substitute the sentiments of the uninformed for that of the whole community. But all that is illiberal, on these occasions, ought to be avoided. All inhumanity, and injustice. All anticipation of judgment, on cases depending; all expressions calculated to inflame the decision. For a popular clamour once raised is difficult to be resisted.

Democracy has its strength in strict integrity; in perfect delicacy; in elevation and dignity of mind. It is an unjust imputation, that it is rude in manners, and coarse in expression. This is the characteristic of slaves, in a despotism; not of democrats in a republic. Democracy embraces the idea of a standing on virtue alone; unaided by wealth or the power of family. This makes "the noble of nature" of whom Thomas Paine speaks. Shall this noble not know his nobility, and be behind the noble of aristocracy who piques himself upon his honour, and feels a stain upon his delicacy as he would a bodily wound? The democrat is the true chevalier, who, though he wears not crosses, or the emblazoned arms of heraldry, yet is ready to do right, and justice to every one. All others are imposters, and do not belong to the order of democracy. Many of these there are, no doubt, false brethren; but shall the democrat complain of usurpation; of undue influence; or oppression and tyranny from ambitious persons; and not be jealous, at the same time, of *democratic tyranny* in himself, which is the more pernicious, as it brings a slur upon the purest principles?

BOOK III.

It has been asked, why, in writing this memoir; have I taken my clown, *from the Irish nation*? The character of the English clown, I did not well understand; nor could I imitate the manner of speaking. That of the Scotch I have tried, as may be seen, in the character of Duncan. But I found it, in my hands, rather insipid. The character of the Irish clown, to use the language of Rousseau, "has more stuff in it." He will attempt any thing.

The American has in fact, yet, no character; neither the clown, nor the gentleman. So that I could not take one from our own country; which I would much rather have done, as the scene lay here. But the midland states of America, and the western parts in general, being half Ireland, the character of the Irish clown, will not be wholly misunderstood. It is true the clown is taken from the aboriginal Irish; a character not so well known in the North of that country; nevertheless, it is still so much known, even there, and amongst the emigrants here, or their descendants, that it will not be wholly thrown away.

On the Irish stage, it is a standing character; and on the theatre in Britain, it is also introduced. I have not been able to do it justice, being but half an Irishman, myself, and not so well acquainted with the reversions, and idiom, of the genuine Thady, as I could wish. However, the imitation at a distance from the original, will better pass than if it had been written, and read, nearer home. Foreigners will not so readily distinguish the incongruities; or, as it is the best we can produce for the present, will more indulgently consider them.

I think it the duty of every man who possesses a faculty, and perhaps a facility of drawing such images, as will amuse his neighbour, to lend a hand, and do something. Have those authors done nothing for the world, whose works would seem to have had no other object

but to amuse? In low health; after the fatigue of great mental exertion on solid disquisitions; in pain of mind, from disappointed passions; or broken with the sensibilities of sympathy, and affection; it is a relief to try not to think, and this is attainable, in some degree, by light reading. Under sensations of this kind, I have had recourse more than once to Don Quixotte; which doubtless contains a great deal of excellent moral sentiment. But, at the same time, has much, that can serve only to amuse. Even in health, and with a flow of spirits, from prosperous affairs, it diversifies enjoyments, and adds to that happiness of which the mind is capable. I trust, therefore, that the gravest persons, will not be of opinion that I ought to be put out of the church, for any appearance of levity, which this work may seem to carry with it.

I know there have been instances, amongst the *puritans* of clergymen, degraded for singing a Scotch pastoral. But music is a carnal thing compared with putting thoughts upon paper. It requires an opening of the mouth, and a rolling of the tongue, whereas thought is wholly spiritual, and depends, not on any modification of the corporeal organs. Music, however, even by the strictest sects, is admissible in sacred harmony, which is an acknowledgment, that even sound, has its uses to soothe the mind or to fit it for contemplation.

I would ask, which is the most entertaining work, Smollet's history of England; or his Humphrey Clinker? For as to the utility, so far as that depends upon truth, they are both alike. History has been well said to be *the Romance of the human mind*; and *Romance the history of the heart*. When the son of Robert Walpole asked his father, whether he should read to him out of a book of history; he said, "*he was not fond of Romance.*" This minister had been long engaged in affairs; and from what he had seen of accounts of things within his own knowledge he had little confidence in the relation of things which he had not seen. Except memoirs of person's own times; biographical sketches by cotemporary writers: Voyages, and Travels, that have geographical exactness, there is little of the historical kind, in point of truth, before Roderick Random; or Gil Blas.

The Eastern nations in their tales, pretend to nothing but fiction. Nor is the story with them the less amusing because it is not true. Nor is the moral of it less impressive, because the actors never had existence. This, I have thought it sufficient to say, by way of introduction in this place.

CHAPTER I.

IF the memoir of the bog-trotter had not advanced the author to a professor's chair; it had, at least, procured him admission to a number of learned societies; abroad and at home: should a new edition of the work come to be published, it will take up, at least, two quarto pages, to contain the names of these member-ships, and honours.

But, notwithstanding the most pressing solicitations, he could not be brought to accept of an introduction to the *St. Tammany Society*; owing to the impression which he still retained of being an Indian chief, from which he had a narrow escape in the early part of this work. For unfortunately, it had been explained to him, that *St. Tammany* was an Indian Saint; and that the Society met in a wigwam, and exchanged belts. They offered to make him a Sachem; but all to no purpose; the idea of scalping, and tomhacking, hung still upon his mind. It was by compulsion, in France, that he took upon him the character of an Esquimaux, in the procession of Anacharsis Clootz.

The Captain presented himself to the Society, explaining these things; and that, in fact, such had been the alarm of the author of the memoir, at the proposition of being made a member, that he had absconded a day or two before. The Society took his excuse; and made the Captain, an honorary member in his place.

This was no object with the Captain, as he was a candidate for no office; and could draw no advantage from a promiscuous association. Nor did he see that he could be of any use to mankind in this new capacity, as the propagation of the gospel in foreign parts, or amongst the savages, made no part of the duty. For though *Tammany* himself may have been a Saint, there are few of his disciples that can pretend to sanctity, superior to common christians. Or, at least, their piety consists more in contemplation, than in active charity, and practice. We hear of no missionaries from them, amongst the aborigines of the continent, as we should be led to expect from being called the *St. Tammany Society*. For it is to be presumed, that this Saint had been advanced into

the calendar from the propagation of the christian faith, as was St. Patrick ; St. Andrew and others. And though, as these old societies, with that of St. George, St. David, &c. the duty of evangelists may be excused, the countries to which they belong, being long since christianized ; yet the native Americans which St. Tammany represents, are whole nations of them *infidels*. The sons of St. Tammany ought certainly to think a little of their brothers that are yet in blindness, and lend a hand to bring them to light. It is not understood, that even a *talk* has been held with a single nation of our Western Tribes ; though it could have cost but a few blankets, and a keg of rum to bring them together ; and in council a little wampum, and kilikaneque.

But our modern churches, have not the zeal of the primitive : or that zeal is directed to a different object, *the building up the faith at home* ; and that in civil affairs, more than spiritual doctrines, it is not the time now to go about " in sheepskins, and goatskins," to convert the heathen, to the gospel ; but the citizens to vote for this or that candidate. The *Cincinnati* being a mere secular society, is excusable ; but the *Saint Societies*, would seem in this, to depart from the etymology of their denomination. I know that some remark on the word *Cincinnati* ; and think that it ought to be pronounced as well as spelled, *St. Cinnatus* ; and in that case all would be on a footing. I have no objection, provided *that it makes no schism* ; for even the alteration of a name might make a schism. And a schism in a *society militant*, such as this is, might occasion a war of swords ; and not a war of words only. I will acknowledge that I would like to have the thing uniform, *St. Cinnatus*, with the rest. So that if it could be brought about without controversy, it would contribute to the unity of designation. But controversy, is, above all things to be avoided. And nothing is more apt to engender controversy, than small matters. Because, small things are more easily lost than great. Or ; because it vexes a man more, to find his adversary boggle at a trifling matter of orthodoxy when he has swallowed the great articles of credence, than to have to pull him up, a cable's length, to some broad notion, that separates opinion and belief. To apply it to the matter of the spelling ; *qui hæret in litera, hæret in cortice*. That is, to give it in English, it may depend upon a single letter how to draw the *cork*. All consideration there-

fore ought to be sacrificed to good humour, and conviviality, and I would rather let the *heathen* name remain, than christian it at the expense of harmony, and concord. But to return from this digression, to the St. Tammany Society, of which I was speaking, and which had some time ago convened.

It was a new thing to the Captain, to take a seat in the wigwam, and to smoke the calumet of peace. But he was disappointed in his expectations, of seeing Indian manners, and customs introduced, and made a part of the ceremony. There was some talk of *brightening* the chain, and *burying the hatchet*; but he saw *no war-dance*. What is more, even the young warriors were destitute of the Indian dress. There was not a moccasins to be seen on the foot of any of them; not a breech-clout; nor had they even the natural; or rather native brands and marks, of a true born Indian. No ear cut in ringlets; no broach in the nose; or tatooing on the breast. All was as smooth, and undisfigured, as the anglo Americans that inhabit our towns, and villages.

The Grand Sachem, made a speech to the Captain, not in Indian; but in German; which answered the end as well; for he did not understand it. But it was interpreted, and related to the proposition of making him a Chief, which he declined, professing that it was more his wish to remain a common Indian, than to be made even a half-king,* not having it in view to remain much in the nation; or attend the council fires a great deal. He contented himself with putting some queries, relative to the history of St. Tammany; of what nation he was? Did he belong to the North, or the South? The East, or the West? On what waters did he make his camp? How many moons ago did he live? Where did he hunt? Who converted him; or whom did he convert? Why take an Indian for the tutelary saint of the whites? Why not Columbus; or Cabot? Where did this saintship originate?

To these queries, the Chiefs could give no answer; nor is it of much moment whether they could or not. Some of them are not worth answering.

* A *half-king*, means double king, or king of two nations, who have him split between them.

OBSERVATIONS.

AMONG the Romans, there was a kind creature, of the name of Apollo, who stood by people, and when they were doing wrong, would give them a twitch of the ear, to bid them stop.

Aurum velluit.

I cannot say, that I felt just such a twitch while I was writing the last chapter; unless figuratively; meaning some little twitch of the mind, recollecting, and reflecting, that it might possibly give offence to public bodies and societies, especially the St. Tammany, and Cincinnati; though *none was intended*. But it is impossible to anticipate in all cases, the sensations of others.— Things will give offence, that were meant to *inform, and assist*; or to please and divert. In the case of public bodies especially, no man knows, what may make an unfavourable impression. It is necessary, or, unavoidable as it might be translated, “that offences come, *but wo to him by whom they come*.” One would think that in a free country, there might be some little more moderation with regard to what is done and said. It is a maxim in law, that words are to be construed, “*mitior sensu*;” or, in the milder sense. It is a scriptural definition of charity, “that it is not easily provoked.”— Whereas, on the contrary, an uncharitable disposition is ready to misconstrue, and convert to an offence. A town, a society, a public body, of any kind might be presumed to bear more than an individual, because, the offence being divided amongst a greater number; it can be but a little, that will be at the expense of any one person. If therefore, any son of St. Tammany, or St. Cincinnati, should feel himself hurt by our lucubration, let him consider that it is better to laugh than be angry; and he will save himself, if he begins to laugh first. Though, after all, some will say, there is nothing to laugh at; and in this, they will be right. For at the most, it can only be a *smile*. It is a characteristic of the Comedy of Terence; that he never forces your laugh; but to smile only. That I take to be the criterion of a delicate and refined wit; and which was becoming the lepos, or humour of such men, as Lelius, and Scipio, who are

thought to have formed his taste, and assisted him in his dramatic compositions. Yet I must confess, if I could reach it, I would like the broad laugh; but it is difficult to effect this, and not, at the same time, fall into buffoonery, and low humour. Laughing is certainly favourable to the lungs; and happy the man, whose imagination leads him to risible sensations, rather than to melancholy.

All work, and no play, makes Jack a dull boy. But I have no idea of laughing, any more than of playing, without having performed the necessary task of duty, or labour. An idle laughing fool, is contemptible and odious; and laughing too much is an extreme which the wise will avoid. Take care not to laugh, when there is nothing to laugh at. I can always know a man's sense, by his song, his story, or his laugh. I will not say his temper, or principles; but certainly his share of understanding. The truth is, this composition has more for its object than merely to amuse, though that is an object. But I doubt whether we shall receive credit for our good intentions. For truth lies in a well; and unless there is some one to draw the bucket, there is no getting it up.

We have been often asked for a key to this work. Every man of sense has the key in his own pocket.—His own feelings; his own experience is the key. It is astonishing, with what avidity, we look for the application of satire which is general, and never had a prototype. But the fact is, that, in this work, the picture is taken from human nature, generally, and has no individual in view. It was never meant as a satire upon men; but upon things. An easy way, to slur sentiments, under the guise of allegory; which could not otherwise make their way to the ears of the curious. Can any man suppose, upon reflection, that if ridicule was intended upon real persons, it would be conveyed in so bungling a manner that people would be at a loss to know who was meant? that is not the way we fix our fools caps.

Let any man put it to himself, and say, would he wish to be of those that give pain by personal allusion, and abuse. Self-love, for a moment, may relish the stricture; but could never endure to be thought the author. In attacking reputation, there are two things to be considered, the manner, and the object. When the object

is praise-worthy, there is an openness, a frankness, and manliness of manner, which commands respect. But even where the object is a public good, the manner may excite contempt. Let our editors of news-papers look to this, those of them who wish to be considered gentlemen; such as have no character to lose, and never wish to have any, may take all liberties, and occupy their own grade.

But as we were saying, public bodies and societies of men, ought not to take offence easily; nor resent violently. "As they are strong, be merciful." A single person is not on a footing with a great number. He cannot withstand the whole, if they should take offence without reason; and he may be conscientiously scrupulous of fighting; or may be afraid to fight; which will answer the end just as well; or he may have the good sense and fortitude, to declare off; which by the bye requires more courage, *than the bulk of men possess*. It requires a courage *above all false opinion*; and the custom will never be put out of countenance, until some brave men set the example. There is nothing that a wise man need fear, but *dishonor*, founded on the charge of a *want of virtue*; on that *which all men, of all places, and of all times, will acknowledge to be disreputable*. Under this head, will not be found the refusal of a challenge. *Nothing can be great, the contempt of which is great*. Is it not great to despise prejudice, and false opinion? "He that ruleth his spirit, is greater than he that taketh a city:" but, he that is above the false sentiments of others, presents to me the image of a superior power, that ascends through the vapours of the atmosphere and dissipates the fog. The world is indebted to the man that refuses a challenge; *but who can owe any thing to him that accepts it? for he sanctions an unjust law.*—Doubtless, the accepting of a challenge, is pardonable as a *weakness*; but still it is a weakness. The man is a hero, who can withstand unjust opinion. It requires more courage, than to fight duels. To sustain life, under certain circumstances, calls for more resolution than to *commit suicide*. Yet suicide is not reputable. Brutus in the schools condemned it; but at Philippi, adopted it. Because his courage failed him:

But cudgelling follows the refusal of a challenge: Not if there is instant notice given to a peace officer. But

posting follows. Notice of that may be given also, and a court and jury brought to criticise upon the libel.

Why is it, that a public body is more apt to take offence than an individual? Because, every one becomes of consequence in *proportion as he is careful of the honour of the whole*. It is oftentimes a mere matter of accident, whether the thing is well or ill taken. If one should happen to call out, *that it is an insult*, another is unwilling to question it, lest he should be suspected of *incivism*, and lose his standing in society in general; or, in that to which he more particularly belongs. The *misconception* of one forces itself upon another; and *misconstruction* prevails. That which was the strongest proof of confidence in the *integrity, and justice of the body*, is viewed as distrust; and a concern for their honour, considered a *reproach*. The most respectful language termed *insolence*. Implicit submission attributed to *disrespect*. *Self-denial* overlooked, and *wantonness of insult* substituted in its place. This, all the offspring of *mistake*; *which it is the duty of the individual to remove*. But how can he speak if *his head is off*, before he knows that the offence is taken? Protesting therefore that I mean no offence to either of these societies, or the individual members, in any thing I have said; I request them to take it in good part; or, if there should seem to be ground of affront, they will give me a hearing, and an opportunity to explain.

There is no anticipating absolutely, and to all extent, what a person might say for himself if he was heard. That presumption which had existed might be removed. His motives might appear laudable; or at the worst, originating in a pardonable weakness. Whether or not the credit of the tribunal with the world, might render it expedient to observe these appearances. They did it in France under the revolutionary government; and even the emperor *seems to consider it as indispensable*. If therefore any thing in these chapters should unfortunately give umbrage to the sons of St. Tammany, or to the Cincinnati members, I pray a citation, and demand a hearing. I trust I shall be able to convince them that I am not deficient in respect for them individually, or as public bodies.

CHAPTER II.

THE Captain walking by himself, could not avoid reflecting on the nature of government; a union of souls and corporal force. It makes all the difference that we see between the savage, and civilized life. The plough, the pulley, the anchor, and the potters wheel, are the offspring of government; the loom, the anvil, and the press. But how difficult to link man with man; how difficult to preserve a free government! The easiest thing in the world, says the clown, *if the sage will only let it alone.* It is the philosopher that ruins all.

There is some foundation for this. A mere philosopher is but a fool, in matters of business. Even in speculation, he sometimes imagines nonsense. Sir Thomas More's Utopia has become proverbial; Harrington's Oceana has become a model for no government. Locke's Project was tried in South Carolina. It was found wanting. Imagination and experiment are distinct things. There is such a thing as *practical sense.* Do we not see instances of this every day? Men who can talk freely, but do nothing. They fail in every thing they attempt. There is too much vision mixed with the fact. Want of information of what has been; the not examining the fitness and congruity of things, leads to this. You see a tradesman framing a machine. A chip less or more spoils the joint.

Where is the best account to be found of the Roman commonwealth? In Polybius. In what did its excellence consist? In its balances. What invented these? The exigencies of the case. Some were adopted in the first instance; others as remedies to the mischiefs that occurred. Were the sages of any use here? A little. Sallust says, "considering the history of the Roman people, that the Gauls were before them in bravery, and the Greeks in eloquence; yet Rome has become the mistress of the world; I have found that it has been owing to a few great men that happened to rise in it. Were these men demagogues? Not in a bad sense of the word. They did not deceive the people for their own ends. How do demagogues deceive people? How do you catch a nag? You hold a bridle in your left hand, behind your

back ; and a hat in your right, as if there were something in it, and cry cope. What do demagogues want by deceiving the people ? To ride them. What do they pretend they have in the hat ? oats, salt, any thing they find a horse likes.

How do you distinguish the demagogue from the patriot ? The demagogue flatters the clown, and finds fault with the sage. The patriot, and the sage, unless you mean the vain philosopher, mean the same thing. The Jewish prophets were all of them sages. They were seers, or *men that saw far into things*. You will find they were no slouches at blaming the people. "My people, Israel, is destroyed for lack of knowledge." "*I am wounded in the house of my friends.*" *This may be said of liberty, when republicans give it a stab.* The lamentations of Jeremiah are but the weepings of a patriot over the errors of the people. Yet the people are always right, say the demagogues. I doubt that. *Tom fool* may laugh at the expression, "save the people from themselves." Nevertheless, there is something in it. It is a scripture phrase, "go not with a multitude to do evil ;" which would seem to imply that the multitude will sometimes do wrong.

Do the multitude invent arts ? Or some individuals among them ? It is sometimes a matter of accident. Sometimes a matter of genius. But it is but one out of a thousand that happens to hit upon it ; or that has the invention to contrive. But government is an easy matter ; *and has no wheels like a watch*. What is it that enables one man to see farther into things than another in matters of government ? What is it that makes him a seer ? Thinking, looking, examining. Does it come by inspiration ? More by experience. What are the wheels in our government that are like to go first ? *The judiciary, the senate, the governor*. Is this the order in which they will go ? Precisely. Does any man mean it ? Not at all. How can it then happen ? In the natural progress of things. Will one house become a tyrant : It will come to be the few ; and the few are always tyrants. Will it be but a few in the house, that will govern ? It will come to one at last. It will take fifty years to bring it to this. I do not say that it will be a hop-step, and jump ; or a running leap, all at once.

But we have the press here. Suppose a leading print in the hands of a patriot. He will keep all right. Yes,

provided he is a sage at the same time. That is, that his information on the nature of government, is equal to his patriotism; or that his passion does not betray him into error; the journal of *L'Ami du peuple*, by Marat, was patriotic; but it ruined the republic. An uninformed inflammatory print, is a corruptress of public opinion. It is the torch that sets Troy on fire. There is no Marat, amongst us, at the head of a Journal; but there may come to be. It is a difficult thing to trim the state vessel. The altering the stowage will put out of trim. The Hancock was taken by altering the stowage. It destroyed the trim. Yet trimmers are unfavourably spoken of. That is, I presume, halting between two opinions. "Why halt ye between two opinions?" But preservers of the balance are not trimmers in this sense of the word.

But how is it that the people can do wrong, when they mean well? An *uninformed spirit of reform* may prevail. How can passion prevail? The axletree is heated, by the *nave*, and the hob is set on fire. The nave heats itself by its own motion; and fire is communicated to the whole carriage.

CHAPTER III.

THIS was the day of the fair held twice a year in the village. The people had come in and erected booths. The Captain took a walk to see the fair, and on the first stall he saw boxes. What are these? said the Captain. Cases for lawyers, said the Chapman. What will the lawyers do with these? said the Captain. Put them on their back-sides, said the Chapman. That will make them look like soldiers, with cartouch boxes, said the Captain. No matter for that, said the Chapman. A lawyer can no more move without *cases*, than a snail without a shell. They must have *authorities*.

They have too many sometimes, said the Captain, as I have heard the blind lawyer say; but your cases, or cartouch boxes, I presume are meant as a burlesque. Not altogether so, said the Chapman; but a little bordering on it. These boxes might answer the purpose, of carrying cases, to the court; but an honest man might put them to a better use: so I say no more, but sell my wares to the customer.

At the next stall was Tom the Tinker, with old kettles mended, and new ones for sale. Ay, Tom, said the Captain, this is better than resisting laws;* even the *exclae* law.

I have found out a better way than resisting laws,* now, said the Tinker.

What is that? said the Captain.

Abolish the courts, and demolish the judges, and the laws will go of themselves.

Ah! Tom, said the Captain, leave the public functionaries, to the public bodies; you have nothing to do with them.

But I should have something to do with them, said the Tinker, if I had a voice in a public body.

But you have not a voice, said the Captain.

But I may have, said the Tinker.

I would rather hear your voice in your shop, said the Captain; and the sound of your hammer on a coffee pot,

* The chief of the insurrection, in the western parts of Pennsylvania, in the year 1794, called himself, *Tom the Tinker*.

or a tea kettle. You can patch a brass candle-stick, better than the state, yet, I take it, Tom.

Or solder spoons either, said Tom; *but every thing must have a beginning.*

At the next stall was a hard-ware man; in the next, a Potter with his jugs. Anacharsis, according to Diogenes Laertes, invented the anchor, and the Potter's wheel; he was a more useful man than him that invented fire-arms; though it is a question with some, whether gunpowder has not rendered war less sanguinary.

A toyman had his stall next. As the Captain was looking at his baubles, an accident happened on the other side the way. At a short turn, a cart had overset. It was light, and loaded with empty kegs. Nevertheless the driver wanted help to lift it up.

The Chapman, the Toyman, the Potter, the Hard-ware man, and Tom the Tinker were endeavouring to assist. The Tinker and the Hard-ware man, had set their shoulders to the cart. They hove it up; but, by too violent a push threw it to the other side. The Chapman, and Toyman, thought to set the matter right, and in the adverse direction, applied their force, being on the other side the cart; and to do them justice, gave a good hoist; but overdid the matter, as much as was done before; for the cart came back and lay prostrate in the same direction, as at first.

The driver, in the mean time, was dissatisfied. Gentlemen, said he, do you mean to assist, or to injure me? It may be sport to you; but it is a loss to me, to have my cart broke, and my kegs staved. It is all wrong, said the Captain. Why not let the thing stand upon *the horizontal*? None of your tricks upon travellers. Let the poor man's cart have fair play, and stand upon *its own bottom*.

Aye, aye, said a misanthrope; this comes of bad doings. You must be going to the woods; and disturbing innocent forests; cutting down young trees; making staves, and hoop ing kegs. This is just the way they make laws; to hoop people as you would a barrel. It is right to overturn the cart, on account of the manufacture it carries.

Ah; it is in this manner, said a *moral drawing man*; that people overturn the state. If the vehicle goes to the one side, it is the act of a patriot to set it right. But unskilful persons, pass the line of gravity; so that as

much mischief arrises, from too much force as too little. Passing the line of gravitation, in erecting a body, is like *wounding a principle of the Constitution*. All errors of *expediency* may be amended; but the violations of *principle* are vital, and terminate in death. Put that fellow in the pulpit, and he could preach, said a by-stander; do you hear what a sermon, he makes upon a cart? He could take a text; Nebuchadnezzar, or Zerubabel; and lengthen out a discourse for a fortnight.

In the mean time, the Captain, was almost carried off his feet, by a crowd of people going to see the learned pig. Has he the *tongues*, said Angus Sutherland, a Scotchman? He has two, said a wag. The Hebrew and the Erse, I trow, said the Scotchman. No; the *squeel*, and the *gruntle*; I ween, said the drolling person. That is his *vernacular*, said the Scotchman; but I mean his acquired languages. I do not know that he has acquired any, said the drolling man; but he is considerably perfected in those that he had before.

Weel, that is something, said Angus; but he has got a smack o' the mathematics, I suppose. A little of algebra, said the wag; the plus, and minus, he understands pretty well.

The conversation was interrupted by the vociferation of a man, in soliloquy at a distance. He appeared to be in great agitation: clinching his fists, and striking them against each other. An abominable slander, said he; I a scholar! I a learned man! it is a falsehood. See me reading! He never saw me read. I do not know a B from a bull's foot. But this is the way to injure a man in his election. They report of me that I am a scholar! It is a malicious fabrication. I can prove it false. It is a groundless insinuation. What a wicked world is this in which we live. I a scholar! I am a son of a whore, if I ever opened a book in my life. O! The calumny; the malice of the report. All to destroy my election. Were you not seen carrying books, said a neighbour?

Aye, said the distressed man; two books that a student had borrowed from a clergyman. But did I look into them? Did any man see me open the books? I will be sworn upon the evangelists: I will take my Bible oath, I never looked into them. I am innocent of letters as the child unborn. I am an illiterate man, God be praised, and free from the sin of learning, or any wicked art.

as I hope to be saved; but here a report is raised up, that I have dealings in books, that I can read. O! The wickedness of this world! Is there no protection from slander, and bad report? God help me! Here I am, *an honest republican; a good citizen*, and yet it is reported of me, that I read books. O! The tongues of men! Who can stop reproach? I am ruined; I am undone; I shall lose my election; and the good will of all my neighbours, and the confidence of posterity. It is a dreadful thing that all the discretion of a man, cannot save him from evil speaking, and defamation.

It is a strange contrast, thought the Captain, that *we admire learning in a pig; and undervalue it in a man*. The time was, when learning would save a man's neck; but now it endangers it. The neck verse, is reversed. That is, the effect of it. For the man that can read goes to the wall; not him that is ignorant. But *such are the revolutions of opinion*.

Of all things in the world, said a speculative philosopher, I should the least expect science in a pig; though the swinish multitude are not without good moral qualities; or the semblance of these, by propensitive instinct. The herd of deer avoid, or beat off the chased, or wounded companion: but attack a hog in a gang, and the bristles of all are up, to make battle. There is an esprit de corps; or a principle of self-preservation. They do not wait until they are taken off one by one; but make a common cause in the first instance. When the twenty-one deputies in the national assembly of France, were denounced, there were, no doubt, a great number that saw the *injustice*; but not the consequence. They were willing that the bolt should pass by themselves, and were silent. But those that followed, soon felt the case to be their own, though they did not make it at first. The hogs have more sense, or *nature is more faithful than reason*. *A sailor on board a ship may not like his comrades*; but if they are charged with mutiny wrongfully, he is interested, and will see it if he is wise; for it concerns him that they be dealt with fairly. For injustice to them leads to injustice to himself. *A third mate may dislike the first, or second, or the captain himself, and have no objection to change them*; but the mistake, or injustice of owners towards these, affects himself. *If one goes at this turn, another may go at the next; until all fall to unjust accusation*. *If the independence, and safety of*

command is affected, all officers suffer, and the service is injured. The picking off one at a time is politic in those that assail, but fatal to those that are assailed. *Polyphemus devoured but one of the soldiers of Ulysses in a day.* So that it does not follow, that hog likes hog, more than sheep likes sheep; or *that bristle is champion for bristle, when he comes to take his part*; but that, *the law of self-preservation, is better understood, or felt by this animal.* But as to teaching a pig any thing like human knowledge, though not a new thing, would seem to be of little use. Crows were taught to speak in the time of Augustus Cæsar, as we find from the story of the cobbler and his crow. The poet Virgil talks of cattle speaking:

———Pecudesque locutæ.

But this was a prodigy. Learning must go somewhere, as a river that sinks in one place rises in another. If erudition is lost with men, it is well to find it with pigs. The *extraordinaries* are always pleasing. The intermediate grades of eloquence, from a Curran to a Parrot, are not worth marking.

A little learning is a dangerous thing,

Drink deep, or taste not the Pierian spring.

If a man cannot be a Polyglotist, he may as well be a goose.

It was at a time things took this turn that Balaam's ass spoke. There was darkness all over Europe, for six or ten centuries, and little knowledge of the scientific kind to be found with man, fish, fowl or beast. A glare of light sprung up, and has prevailed awhile. Men of science have been in repute in monarchies; and in some republics: or at least science itself has had some quarter. But it is now scouted, and run down. The mild shade of the evening, the crepusculum approaches. A twilight, that the weakest eye can sustain. The bats will be out now. The owl can see as well as the cat. *If there is less light, there is more equality of vision*; which may be for the best.

That fellow could preach too, said a by-stander; and give him a text. What a speech he has made *upon a shoat*!

But looking up, they saw a man actually preaching; or something like it, in a tavern door, with a newspaper

in his hand. It was upon the subject of *oeconomies*. For now all is *oeconomy*. Not making; but *saving*. This discourse was a lecture on the subtraction of aliment, and the making water go farther by boiling it. Saving the scales of fish; and the stem beaten out of flax; curtailing wages, and doing less work; all things by the minimum: he would have all Microscopes; no Telescopes. Minutiæ, Minutiæ, Minutiæ; nothing great, comprehensive, or magnificent in his projects. Themistocles knew how to make a great state, out of a small commonwealth. But was it by saving, or by gaining that he did it? Was the sweep of his mind contracted; or extensive? Had the Czar of Muscovy a great heart? Did he reduce mountains by particles; or employ his mind upon hen coops? These were questions the *oeconomist* answered in the affirmative. But some doubted the orthodoxy of the doctrine, and left the congregation.

In a public house, was heard the music of a fiddle, and a bag-pipe. It was Duncan, the quondam waiter of the Captain, who had made a match of the bag-pipe against the violin. Play up, said Duncan to the piper; now "*the Coming o' the Camrons*;" now *the Reels o' Bogie*. Play up; I could dance amaiist involuntarily; as I were bit by the Tarantula.

The Latin master was of the company; and encouraged the contest, by the application of classic phrases; such as,

Et vitula tu dignus, et hic——

——Boni quoniam convenimus ambo.

Tale tuum carmen, divine poeta.——

But more noise; though, perhaps, less music, was heard out of doors, coming down the street. A crowd of people; boys and grown persons, were following O'Dell the revolutionist. For *Ca Ira*, or the *Marseilles* hymn he bawl'd out the following——

Down with the sessions, and down with the laws;
They put me in mind of the school-master's taws.
There's nothing in nature that gives such disgust,
As force and compulsion to make a man just.

Hillelu; Billelu, set me down aisy.

Hillelu; Billelu, &c.

A lawyer's a liar ; old Sooty his father ;
 He talks all day long a mere jack a-blather.
 His books, and his papers, may all go to hell,
 And make speeches there, sings Lary O'Dell.

Hillelu, &c.

The state is a vessel, and hooped like a tub ;
 And the adze of the cooper it goes dub, a dub.
 But hooping and coopering, is fitting for fools ;
Away wid all learning, and shut up the schools.

Hillelu, &c.

A horse eats the less, when you cut off his tail ;
 And chickens hatch faster, the thinner the shell.
 A clerk in an office might do two things in one,
 Hatch eggs while he sits, and writes all alone.

Hillelu, &c.

The song may be good, as to music, said the Captain ; but I do not like the sentiments : especially the concluding couplet. It seems to me, that oeconomy has become *farsimony* ; the opposite extreme of prodigality ; or extravagance. The one is odious ; the other contemptible. All tax ; or no tax. There is no medium. And yet all that is excellent lies in the medium. But *no tax, and oeconomy* will as certainly destroy an administration, as all tax, and extravagance. *The meanness of starving offices ; establishments ; improvements, will attach disreputation to the agents ; and operate a removal from the body politic ; or the debilitation of the body politic i'self.* But in all things there is a tendency to extremes. The popular mind does not easily arrest itself when descending upon an inclined plain of opinion. Popular ballads are an index of the public mind. Hence we see that an antipathy to laws, lawyers, and judges, is the ton at present and also that *oeconomy is the ruling passion of the time.* Yet in all these things, there may be an excess. *For the people are not always right.* Unless in the sense of

the English law, that "The king can do no wrong." Doubtless whatever the people do is legally right; but yet not always politically right. For do we not find from the voice of history, that those men are thought to have deserved best of their country, who have occasionally withstood the intemperance of opinion. Self-seekers only "are all things to all men." Three things are necessary to constitute a great man. Judgment, fortitude, and self-denial. It is a great thing to judge wisely. Perhaps this may be said to comprehend the whole. For judging wisely upon a large scale, will embrace fortitude, and self-denial. Hence, in the Scripture phrase, bad men are called *fools*. It is but cutting down the fruit tree, to hark in with a popular cry for the moment. All is gained for the present. But there is nothing for the next year. Such a man may get into a public body, but will not long retain his seat; or, if he does, he loses all, *in the esteem of the virtuous, and the wise*. But I doubt whether the people are so mad for oeconomy. *It originates with those who are conscious to themselves that they cannot please them by great actions: and therefore attempt it by small*. The extreme has been that of unnecessary expenditure; and it is popular to call out oeconomy; which the people-pleaser gets into his mouth and makes it the shibboleth of just politics. But the people-pleaser is not always the friend of the people. *Do we find him in war the best general who consults the ardour of his troops, wholly, and fights when they cry out for battle?* Pompey yielded to such an outcry, and lost the field of Pharsalia. A journal was published in France, by Marat, under the direction, or, with the assistance of Robespierre, entitled "*L'ami du peuple*." There could not be a more seducing title; and yet this very journal was the *foe of the people*. I have no doubt, but that Marat meant well to the people; but he had not an understanding above the public, and judgment to correct the errors of occasional opinion. He was of the multitude himself, and did not overtop them *by having higher ground from whence to observe*. *He had not been a sage before he became a journalist*. Hence he denounced the Girondists, the philosophers of the republic; Condorcet, and others who had laid the foundation of the revolution. He denounced them because they suggested a confederate republic, such as Montesquieu

projected, and America has realized. Marat took up with the simple, *the one and indivisible*; the populace understood this, but not the complication, and it prevailed; but the republic went down.

OBSERVATIONS.

I NEVER had a doubt with the Captain, but that the bulk of the jacobins in France meant well; even Marat and Robespierre considered themselves as denouncing, and trucidating only the enemies of the republic. What a delightful trait of virtue discovers itself in the behaviour of Peregrine, the brother of Robespierre, and proves that he thought his brother innocent. "*I am innocent; and my brother is as innocent as I am.*" Doubtless they were both innocent. Innocent of what? Why, of meaning ill. "The time shall come, when they that kill you, shall think they are doing God service." Peregrine led the column with his drawn sword in his hand, that entered and retook Toulon. He threw himself into the denunciation. This ought to be a lesson to all republicans to have charity, for those that differ in opinion. Tiberus, and Caius Gracchus at Rome meant well; Agis, and Cleomines at Sparta the same; but they attempted a reform, well, in vision, and imagination, but beyond what was practicable or expedient. They fell victims to the not distinguishing the times; the advanced state of society, which did not comport *with the original simplicity of institutions.*

M the journalist and Robespierre were pushed gradually to blood; by the principle, which governed them, of taking it for granted that all who thought differently upon a subject were traitors; and that *a majority of vote was the criterion of being right.* The mountain, the bulk of the national assembly, could not but be in their opinion, infallible. *The eternal mountain* at whose foot every one was disposed to place himself; the mountain on whose top were "thunders and lightnings, and a thick cloud; but not a natural mountain of the earth, collecting refreshing showers, and from which descended streams. It was a mountain pregnant with subterranean fire. It burst, and exists a volcano to this day. *So much for the majority of a public body, being always right; and so much for a journalist meaning well, and yet destroying the republic.* It is a truth in nature, and a maxim in philosophy "that from whence our greatest good springs, our greatest evils arise." A journalist of

spirit is a desideratum in a revolution. But when the new island, or continent is thrown up from the bottom of the ocean; and the subterranean gas dissipated, why seek for a convulsion? but rather leave nature to renew herself with forests, and rivers, and perennial springs. But that activity which was useful in the first effort, is unwilling to be checked in the further employment; and under the idea of a *progressing reform*, turns upon the establishment which it has produced, and intending good does harm. The men are denounced that mean as well as the journalist, and perhaps understand the game better than himself, *though they differ in judgment on the move*. In a revolution every man thinks he has done all. He knows only, or chiefly, what he has done himself. Hence he is intolerant of the opinions of others, because he is ignorant of the services which are a proof of patriotism; and of the interest which is a pledge of fidelity. Fresh hands especially, are apt to overdo the matter, as I have seen at the building of a cabin in the western country. A strong man takes hold of the end of a log, and he lifts faster than the other. From the unskilfulness and inequality of his exertions, accidents happen. Prudent people do not like rash hands. States have been best built up, *by the wise as well as the honest*.

There are men that we dislike in office. All men approved Marius, says the historian Sallust, when he began to proscribe, now and then, a bad man; but they did not foresee what soon happened, that he did not stop short, but went on to proscribe the good. It is better to bear *an individual mischief, than a public inconvenience*. This is a maxim of the common law. That is, it is better to endure an evil in a particular case, *than to violate a general principle*. There ought to be constitutional ground, and a just cause to remove the obnoxious. It will not do even in Ireland, to hang a man for stealing cloth, *because he is a bad weaver*.

Where parties exist in a republic, that party will predominate eventually which pursues justice. A democratic party, will find its only security in this. "If these things are done in the green tree, what shall be done in the dry." If democracy is not just, what shall we expect from aristocracy, where the pride of purse, and pride of family raises the head; swells the port; produces the strut, and all the undervaluing which the few have for the many? Aristocracy, which claims by he-

editary right, the honours and emoluments of the commonwealth. Who does not dislike the presumption of the purse proud, and the pride of connections? And it is for that reason that I wish my fellow democrats, "my brethren according to the flesh," to do right; to shew their majesty, the nobility of their nature, *by their discrimination, and their sense of justice.* For I am a democrat, *if having no cousin, and no funds, and only to rely on my personal services, can make me one.* And I believe this is a pretty good pledge for democracy in any man. Unless indeed, he should become a tool to those that have cousins and funds; and this he will not do if he has *pride.* He might be made a despot, but this can only be by the peoples' destroying the essence of liberty, by pushing it to licentiousness. A despot is a spectre which rises chiefly from the marsh of *licentiousness.* *It was the jacobins made Bonaparte what he now is.*

CHAPTER IV.

A CAVALCADE was coming by, and upon enquiry it was found to be a crowd of people with a lawyer gagged. The knob in his mouth was rather long; and the poor man seemed to be in pain, by the extension of his jaws. He could not speak, which was a great *privation*, it being his daily employment, and the labour of his vocation. For the people thought he spoke too much, or at least was tedious in his speeches, and took up the time of the court, and juries, unnecessarily. But this was a new way of correcting amplification in an orator. It is true that things strike more than words, and the soldier, in a Roman assembly, who held up the stump of his arm, lost in battle, pleaded more effectually, for his brother, the accused, than all the powers of eloquence. But it was a wicked thing, and entirely a la mob, to stretch the jaws so immeasurably. But the people will have their way; when they get a thing into their heads, there is no stopping them; especially on a fair day, such as this was. It is true the thing was illegal, and he could have his action, but they took their chance of that. The fact is, the tediousness of lawyers, in their harangues is beyond bearing, and is enough to drive the people to *adjustment bills*, and any thing, to get quit of them. The opener of a cause, must lead you into the whole transaction, instead of leaving it to the evidence to do it. He must give you a view of the whole scope of his cause.—This might be in a few words. But he wants to make a speech; a strong impression at the first. He must tell you how he means to draw up his evidence; *how to fight his men*. I should not like my adversary to know this; I would not tell the court, lest he should hear it. What would we think of a general who should mount the rostrum in the presence of the enemy, and explain the order of his battle? I love the art of managing a cause for its own sake, and I like to see it *scientifically won*. The less speaking, almost always, the better for a cause. There is such a thing as “darkening counsel by words without knowledge.” *Atticism is favourable to perception in the hearer*. We do not carry wheat to be ground before it is sifted of the chaff. Yet there may be

an error on the other side. The declination to brevity may be too great. I am afraid to say much on this head, lest I should be understood to undervalue eloquence, and check it altogether. But certain it is, that the excess is on the side of quantity, in speaking at the bar at present. The juries feel it, and twist and turn themselves into all shapes to avoid it. The courts feel it, and on many occasions groan for deliverance.

What necessity on a point of law to read all cases, that have relation to the subject? To give a lecture on the elementary principle, and adduce cases, from the first decision to the last. It has been in vogue with the clergy, to begin with Genesis and end with Revelations; to prove their doctrine as they go along, by an enchainment of texts; and to say the same thing over again, in many different words. But in demonstrating the forty-seventh proposition of the first book of Euclid, we do not lay down every postulate, and axiom; nor do we go through the demonstration of every preceding problem, on which this is built; but we refer to such of them as enter into that which is before us. The demonstrations of Euclid are brief; and that constitutes their excellence. *Ad ventum festinat*. Here is no detour; or winding that does not accelerate, and force the conclusion.

In the mean time, the blind lawyer being at hand, delivering a lecture, had heard of the tribulation of his brother, the gagged lawyer; and for the honour of the profession, stretching out his hands to the people, had obtained his enlargement, and the removal of the peg. But it was said, this would be a warning to the advocate, to shorten his speeches for the future. The branks which had been upon his head; that is, the woodys which had tied the knob, were laid aside for another occasion.

CHAPTER V.

IT was a legal proceeding, in this village, that when any one was suspected of insanity, a commission of lunacy issued, and an enquiry was held to ascertain the fact. An inquisition was holden at this time on the body of a man, and it was the right of the defendant, when the evidence on the part of the commonwealth was closed, to be heard in his defence. On this occasion the accused person made use of his privilege.

THE MADMAN'S DEFENCE.

Fellow Citizens ;

IT is an awkward situation in which you see me placed, to be obliged to maintain that I am in my *right mind*, and not out of my senses. For even if I speak sense, you may attribute it to a *lucid interval*. It is not a difficult matter, to fix any imputation upon a man. It is not only to follow it up "Line upon line ; precept upon precept ; here a little and there a little." There is nothing but a man's own life, and a course of conduct, that can rebut the calumny. It is therefore in vain, to answer in gazettes, or to go out into the streets and call out *falsehood*. The more pains you take to defend yourself, the more it is fixed upon you. For the bulk of mankind are on the side of the calumniator, and would rather have a thing true, than false. I believe there would be no better way, than for a man to join in, and slander himself, until the weight of obloquy, became so great, that the public would revolt, and from believing all, believe nothing. I have known this tried with success. But how can one rebut the imputation of madness ? How disprove insanity ? The highest excellence of understanding, and madness, like the two ends of a right line, turned to a circle, are said to come together.

Nullum magnum ingenium sine mensura dementiæ.

Great wits to madness sure are near allied ;
And thin partitions do their bounds divide.

Hence you will infer that I may appear rational, and quick of perception, and even just in judgment for a time, and yet be of a deranged intellect. What can I tell you, but that it is the malice of my enemies, that have devised this reproach, in order to hinder my advancement in state affairs? It is true there are some things in my habit, and manner that may have given colour to the charge; singularities. But a man of study, and abstract thought, will have *singularities*. Henry Fielding's Parson Adams; and Doctor Orkborn in Mrs. D'Arbray's Camilla, are examples of this. A man of books will be abstract, or absent in conversation, sometimes in business.

A man of books, said the Foreman of the Jury! a scholar! Ah! You are a scholar, are you. Ah, ha; that is enough; we want no more. If you are not a madman, you must be a *knave*, and that comes to the same thing. Say, gentlemen, shall we find him guilty! What say you, is he mad?

1. Juryman; he seems to be a *little cracked*.
2. He does not appear to be *right in his head*.
3. I cannot think him in his *right mind*.
4. He is *beside himself*.
5. Crazy.
6. Out of his reason.
7. Deranged.
8. Insane.
9. Mad.
10. Stark mad.
11. As mad as a March hare.
12. Fit for Bedlam.

Verdict—*Lunacy*.

The court to whom the inquisition was returned, thought it a hard case, as there was no other evidence than his own confession of being *addicted to books*, and gave leave to move an arrest of judgment; and ordered him before themselves for examination.

You are a man of books——

A little so.

What books have you read?

History, divinity.

What is the characteristic of history?

Fiction.

Of Novels?

Truth.

Of metaphysics?

Imagination.

Of natural philosophy?

Doubt.

What is the best lesson in moral philosophy!

To *expect no gratitude.*

What is the best qualification of a politician?

Honesty,

The next best?

Knowledge.

The next best?

Fortitude.

Who serves the people best.

Not always him *that pleases them most.*

It seems to the Court, said the Chief Justice, that the man is not altogether mad. He appears rational in some of his answers. We shall *advise upon it.*

OBSERVATIONS.

THERE has certainly been a great deal of *vain learning* in the world; and good natural sense has been undervalued. "Too much learning may make a man mad." It may give him a pride and vanity that unfits for the transaction of serious affairs. I would rather have a sober sedate man of common sense in public councils, than a visionary sciolist just from the academics. But solid science is ornamental, as well as useful in a government. Literary acquirements may be undervalued. A man may not be a *scholar* himself; but he may have a son that may.

"The child may rue that is unborn,"

A check given to the love of letters. *The offspring of a plain farmer may be a philosopher; a lawyer a judge.* Let not the simplest man therefore set light by *literary studies*. The bulk of our youths are sufficiently disposed to indolence of themselves. It requires all the incitement of honours and emoluments *to trim the midnight lamp*. *The rivalry of the states ought to be in their public foundations; in producing men of letters.* Popular distrust of them ought not to be promoted. The coxcomb; the macaroni springs up in the cities: The illiterate in the country village. Legal knowledge, and political learning, are the stamina of the constitution. *The preservation of the constitution is the stability of the state.*

Political studies ought to be the great object with the generous youth of a republic; not for the sake of place or profit; but for the sake of judging right, and preserving the constitution inviolate. *Plutarch's lives is an admirable book for this purpose.* I should like to see an edition of 10,000 volumes bought up in every state. Plutarch was a lover of virtue, and his reflections are favourable to all that is great and good amongst men.

CHAPTER VI.

THE *madman* being out upon bail, walked about seemingly disconsolate ; and fell in with a philanthropic person, who endeavoured to console him. You may think yourself fortunate, said he, that the charge had not been that you *were dead*. You might have been tumbled into a coffin, and buried before you were aware. When a public clamour is once raised, there is no resisting it. People will have the thing to be so, lest there should be no news. For the stagnation of *intelligence* is equal to the want of breath. I will venture to say that in three days, were I to undertake it, I could have it believed that the soul had gone out of your body, and that you were a walking mummy. It is only to insist upon it, and spread it, and a part will be credited ; at first, and finally the whole. Thank fortune that you are upon your feet upon the earth. You are not the first that have been buried alive. On opening a coffin, the corpse has been found turned upon its face. In a tomb it has been found out of the coffin, and laying where it had wandered, thinking to get out.

Good heavens ! said the madman, this is enough to turn one's brain indeed. I begin to feel my head swimming. Is it possible that without the least foundation, such a proposition should come to be believed ? Believed ; ay ; and people would be found to swear to it. You have no conception from how small beginnings great things arise.

Ingrediturque solo, & caput inter nubila condit.

You have seen a *wood-piecker*. It is astonishing how large a hole it makes with so small a beak. *It is owing to successive impressions*. Since common fame has begun with you, it is well that it has taken that turn ; and made you *only mad*.

If that is the case, said the *man of books*, I ought to be reconciled. It might have been worse.

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CHAPTER VII.

IT may seem strange that in the present current of prejudice against learning, and learned men, the school-master had not been taken up, that spoke *Latin*. The fact was, the people did not know that it was Latin. Some took it for one language, and some for another. Thus, when he accosted persons in the street, with his puzzling phrases to translate, either on account of the peculiarity of the idiom, or the elipsis of the sentence, answers were given correspondent to the mistake. Thus :

Nil admirari———

I do not understand Spanish.

Simplex munditiis———

I never learned Welsh.

Ambiguoque vultu———

It is Greek to me.

Lacrimæ rerum———

I do not understand Dutch.

Mea Valentiam, si quis———

I have never been among the Indians.

——— *Esse Sua*

Parati———

Potatoes are very good.

As for the blind lawyer, humanity interposed on his behalf. There is a generosity in the public mind that leads them to pass by the unfortunate. The sovereign people, like other sovereigns, do not make war upon *bats*. His lectures were short, and did not cost much. The loss of money, leaves a bite behind it worse than the sting of the wasp. It is this that excites a prejudice against lawyers; and yet people are, themselves, to blame. It is their own self-love; and unwillingness to think themselves in the wrong, that leads to law. Covetousness, deceives.

O, si angulus ille, mihi foret———

I must have that nuke of woods, that runs out there. It will make a calf pasture.

I admit that *bar oratory* is carried to excess, and there is too much of it occasionally; it is valued by the quantity, more than the quality. But there is a great deal of

excellent oratory to be found at the bar. There are stamina, though retrenchments might be made.

—Cum luculentus fueret,

Erat quod tollere posses.

The great defect is, the making many points; the cat that had but one way to escape, stood as good a chance, as the fox that had a thousand. Seize the turning point of the cause; if it can be done, and canvass that. The stroke of the eye, or coup d' œil, which characterizes the great general, is the being able to see, at once, the commanding point of the field: to abandon out-posts, and concentrate his forces. Why need a man be taking time to shew, in how many ways, he can kill a squirrel? If he can take him down with a rifle ball, at once, it is enough.

Oratory has no where a finer province, than at the bar. In a deliberative assembly, there is no such scope. Questions of finance have nothing to do with the heart. No man can be an orator at the bar, that has not a burning love of justice. For it is this gives the soul of oratory. An advocate thinking merely of the fee can be no orator. The soul must be expanded by the love of virtue.

In a deliberative assembly, it is difficult to be honest. *Party will not suffer it.* At the bar a man may be honest. For, in a cause he is not supposed to speak his own sentiments, but to present his side of the argument; and with truth in his statements. The attempting to hold what is not *tenable*, is a mark of *weakness*. Why then a prejudice against lawyers? I exclude attorneys that are mere *money gatherers*; or professional men, that screw the needy, and grind the faces of the poor. Such there will always be. *But nature presents nothing without an alloy of evil.*

As to the blind fiddler if it should be asked, why he was not accounted mad, it was because he was not *denounced*. There is a great deal in calling out *mad dog*. Besides, the insignificance of the scraper, protected him in the republic. He was so busy scraping, that he never *meddled with politics*, and this was a great help. And as he played every tune to every one that asked, having no predilection for Langolee, above Etric Banks, he gave no offence.

—Nunquam contra torrentem, brachia,

Direxit, sic octaginta annos vidit in aula.

CHAPTER VIII.

A CATTLE driver had come from the *western settlements*, to exchange at the fair, stock, for salt, iron, and *women*. In barter for the last article, a cow was given for a girl. The settler went out, in the first instance, with a rifle, a hatchet and a knapsack. Having fixed on a spot at a spring head, the next thing was to fall saplins and construct a hut. A small piece of ground was then cleared of the under-wood, and this formed into a brush fence to inclose it. He returned then to the interior of the country, and the next summer, going out with a hoe, and a stock of provisions, on a pack-horse, he began his cultivation. Having tamed a buffalo, or got a cow from Padan Aram, he had in due time, milk in abundance. This put it into his head to get a *milk-maid*; in other words a *wife*. The traders in this article, usually chose those of the *less opulent*, whose dress answered all the ends of fashion without the affectation. The *elbows were bare*, because the sleeves did not reach; and the folding doors of the bosom were undrawn, because they had been always open. There was no occasion for flesh coloured pantaloons; for the pantaloons were the natural flesh itself, discovered through the rents of the muslin, by the waving of the wind, like a light cloud upon a bed of air, in an April day.

When these virgins, "nothing loath," had been conducted to the bowers mantled with the natural vine, an offspring arose in a few years, such as that from whence the poets have drawn their best fictions. You will have no occasion to read Ovid's *Metamorphosis*, to have an image of Daphne, or Proserpine; Diana and her nymphs; the Dryads, Hamadryads, or other personages. Just cross over into these new forests and there you have them in reality: maids bathing their snowy limbs in transparent streams; climbing the mountain top, collecting flowers, or gathering the berries of the wood. Nature is here in her bloom; no decay or decrepitude. All fragrancy, health, and vivacity.

The stripling of these woods, is distinguished from the city beau; but it will not become me to say who has the advantage: whether the attitude of the presented

rifle ; or that of the segar in the teeth, is the most manly ? Which looks best, the hunting shirt open at the neck, or the roll of muslin that covers it, and swells upon the chin ? These are things to be canvassed by the curious. I am of opinion, however, that it is better to be clear sighted than purblind, and to be able to see a deer in a thicket, than to have need of a glass, before the nose to direct the steps where there is nothing to stumble over.

It can be no slur upon the descendant of a western settler, that his mother was obtained in barter, with her hair descending to her girdle ; or waving in ringlets on her shoulders ; and the moisture of her eye brightened with a tear at the emigration ; when he considers, that, in all places, matrimony, to use the pun of Bishop Latimer, has been, in a great degree, *a matter of money* ; and the consideration of the contract not always what the lawyers call *a good consideration*, that is affection : but a valuable one, *wealth*. Even if the circumstance should be considered as less honourable than *a marriage settlement with forms*, and perfect equality, in the transaction ; it will be forgotten in a century or two, and it may come to be doubted *whether there was ever such a thing as barter at all*.



A noise of a different kind was now heard in another quarter. It was occasioned by a brick-bat which had fallen from the heavens, or the top of a chimney ; or been thrown by some one, which is just as likely ; and hit the stall of an honest Frenchman, who sold hair-powder. He construed it an insult, and insisted upon knowing, what no one could inform him of ; or if they could, was not disposed to do it ; that is, whence it came ? Diable ! diable ! said he in a rage. Si j' étois, d' en la France. If I vere in my own contree—Le miserable police. Dish contree has une ver bad police.

A l' en enfer—Foutre, Foutre, Foutre !

Parce que je suis un jacobin. I be de jacobin. Dish ish de enrage. Vill kill all de honest republican.

Ah ! Messieurs aristocrats ; c' est que vous voulez me tuer—C' est une terrible conspiracy. It ish vau terrible conspiracy.

Civility to a foreigner induced the multitude to interpose, and endeavour to pacify. But strangers are jea-

lous, and it was an hour before he could be persuaded by some that spoke the language, to believe that the thing might have been a matter of accident. He had threatened to make a representation to the government, and demand the interposition of the executive.

There is reason to think that he had dropped it, as we have seen no diplomatic correspondence on the subject.

A seller of patent medicines gave out that he had bought them from a chemist who had *invented a new vegetable*. Discovered, you mean, said a *naturalist*. No; *Invented*, said the patent doctor. He made it himself. I have some of the seeds in my pocket. Out of what did he make it? Hydrogen; oxygen; carbonic acid, and muriate of soda.

It is beyond my comprehension: what does the seed look like? said the *naturalist*. Coriander seed; or mustard, said the doctor. Here is a sample of it, giving him a grain or two.

And it is out of this you make your drops? said the *naturalist*. Certsinly, said the doctor.

And a new seed will produce new drops. said the *naturalist*; and perform new cures in the world.

Undoubtedly, said the doctor: what use could there be in inventing it, if it did not?

I wish he would invent a *new planet*, said the *naturalist*.

That he could do readily enough, said the doctor; but there are more than are good already. They shed *malign influences*.

Aye, quo' the Scotchman; there is such a thing as "*evil stars*."

CHAPTER IX.

A COMPANY of village players were acting a pantomime. Harlequin represented a politician with the people on his back. Incurvated and groaning, he seemed to feel the pressure exceedingly.

I like burlesque very well, said a spectator. A man must imagine himself Atlas, forsooth, *with the heavens on his shoulders!* The people would walk on their feet if he would let them alone. What matters it, if by attempting to sustain them, he gets his rump broke?

That is all the thanks a patriot ever got, said a wise man.

Are not the people strong enough of themselves? said the spectator.

Strength of mind is improvable, said the wise man. Hence strength of mind differs more than strength of body. The aggregate of mind is one thing and a distinguished mind another. It is not so absurd, to suppose that one mind, in a particular case, may excel another. The social compact is a noble study. He who has devoted himself to it, may be supposed to have made some progress. Why should he not have credit for his good intentions? Why make him the object of a public exhibition, because he thinks himself the support of the community? Public spirit ought to be supported, and hints well meant, *well taken*. It is but an innocent hypochondriasis for a man to apprehend that he is doing good, by his lucubrations. That he is a pillar of the commonwealth.

See how he grins, and balances, said the spectator, speaking of the Harlequin, *because the people, in his opinion, are too much to the one side.*

It is an easy thing to turn even virtue into ridicule, said the wise man. But selfishness was never an amiable quality. And can there be a nobler effort of benevolence than to seek the public good? If one individual misses it; another hits; and the principle is salutary. It is not him that sails with the wind of popular opinion that always consults the interests of the populace. At the same time, *I am for keeping up the spirit of the people. It is the atmosphere of liberty.* And though this atmos-

phere is the region of lightning and engenders storms, yet in it we breathe, and have our being. But I speak of the angel that guides the hurricane; the good man of more temperate counsels; and who, from age, experience, or extent of thought sees the consequence of things, and applies the prudence of restraint to the common mind in the violence of its emotions.

Why shall we censure such a man should he indulge the ambition of restraining the people; or rather of supporting them by counselling moderation. *He is sometimes the best friend that reproves.* A flatterer never was a friend. The caricature of a man having the people on his back, is an aristocratic fetch to discourage a love for the people, and a disposition to promote their real interest. This Harlequin is set on by the enemies of the people, and with a view to disparage republican exertions.

The spectator was silent.

WHILE the Harlequin was acting *The Oppressed Politician*, as the pantomime was called, a pedlar had thrown himself into nearly a similar position; and though it may seem strange, an accidental conjunction of attitude. He had got his stall on his back; and gave out that he had taken an oath, not to set it down, until the people at the fair, had bought off all his goods. He was on his hands, and feet, and bellowing like the bull of Phalaris, affecting to be overcome, with the load of his pack. The people, out of humanity; credulous to his distress, came from every quarter to hear his complaint, and ease him of his goods. A partner was handing out the merchandize, and disposing to the customer, as fast as he could come at the articles. The back-bent man, in the mean time, in his inclined posture, was gathering up the dollars, thrown upon the ground, and putting them into his hat; not omitting the groans necessary to attract a continuance of commiseration.

Christian people, said he, ease me of my wares, or I shall have to break my back, or to break my oath.

You had better break your oath than your back, said a man passing by; I have no money to throw away upon a rogue.

A rogue! Said the burthened man. If I were a rogue

I could break my oath ; but it is conscience keeps me here. I cannot break my oath ; and my back must be broke. Help good people help ; buy my wares and ease me of my load.

You son of a whore, said a rude man, cannot you stand up, and your pack will fall off ?

Ay but it is my oath, said the Pedlar, that keeps it on, until all my goods be bought.

It ish a tam sheat, said an honest German ; he ish a liar and a rogue. His back ish not broke more ash mine. His pack ish light ash a feather ; wid shilks, and such tings, dat weigh noting. He is a dam sheat and a rogue.

I am muckle o' your way o' thinking, said Donald Bain, the weaver ; it is a' a stratagem, to get his hand in folks pockets, and wile awa' the penny. The deel an aith has he ta'en. It is a' forgery.

It ish a devlish contrivance, said the German.

It is all de love of de monish, said a Jew. His conscience is monish ; I go anoder way to de exchange dish morning.

Nevertheless credulity prevailed ; and some continued to purchase.

IF at the hundreth edition of this work, a century or two hence, it should be published with cuts, like Don Quixotte, and other books of an entertaining cast ; the figure of the Pedlar and his pack may afford a good drawing ; and the Harlequin, at the same time with the people on his back.

The moral of the *distressed politician* is obvious to every one. It is natural for us to suppose that the world cannot do without us. O what will they do when we are gone, is the language of almost every man's heart in some way or other. I will venture to say there are chimney sweepers, who think that all will go to pot, when they drop off. Yet the world goes on its gudgeons and all things that are therein revolve just as before !

What will we do for a general, said one to me, when Fayette deserted to Sedan.

What ? when Dumourier went off, said another.

He may be yet in the ranks said I, who will terminate the revolution. It came nearly to pass; for the Corsican was at that time but in the low grade of what we call a subaltern.

I have reflected with myself whence it is that men of slow minds, and moderate capacities, and with less zeal and perhaps less principle, execute offices, and sustain functions with less exception, than others of more vigour and exertion; and I find it owing to a single secret; *laissez nous faire*; "let us be doing:" that is, let subordinates, do a great deal themselves. "He is right;" it is well; and if it is wrong, self-love saves the error: men had rather be suffered to be wrong, than to be set right against their wills. What errors of stupidity have I seen in life, in the small compass of my experience, and the sphere of my information; and these errors the object of indulgence because there was nothing said or done to wound the pride of the employer. This is a lesson to human pride and vanity. It is a lesson of prudence to the impetuous. The sun lets every planet take its course; and so did General Washington. That was the happy faculty that made him popular.

His fort was, in some degree, the *laissez nous faire*; "The not doing too much."

Yet the lovers of an art, may be excused in being hurt when they see the artist err. The lovers of the public may deserve praise who wish to set the world right and do a little towards it. It is the error of vigorous minds, to say the least of it; and oftentimes, the excess of virtue.

Sometimes, it is an instinctive impulse of spirit that cannot be resisted. Alcibiades superseded in the command of the Athenian army, but remaining in the neighbourhood could not avoid pointing out to the generals who succeeded him and who were his enemies, the errors they were about to commit, and which advice, neglecting, they were overthrown with their forces, by the Lacedemonians under the conduct of Lysander, and disgraced. Moreau though superseded by the directory, and serving only as a volunteer, stepped forward to an unauthorised command, and saved the army on the defeat, and death of Joubert.

THE critic will say, what use can there be in such representations? We do not write altogether for grave, or even grown men; our book is not for a day only. We mean it for the coming generation, as well as the present; and intending solid observations, *we interlard* *pleasantry to make the boys read.*

CHAPTER X.

CONTAINING EXPLANATIONS.

IN my observations on *the licence of the press*, in the early pages of this book, it may be seen that I have had in view *personal*, and not *political* stricture. The difference of these I cannot so well express as in the words of the greatest orator in the knowledge of history, *Curran of Ireland*. I quote him to give myself an opportunity of saying how much I admire him. It is on *Finerty's* trial for a libel, that the following correct sentiments are beautifully expressed.

“Having stated to you gentlemen, the great and exclusive extent of your jurisdiction, I shall beg leave to suggest to you a distinction that will strike you at first sight; and that is the distinction between public animadversions upon the character of private individuals, and those which are written upon measures of government, and the persons who conduct them; the former may be called *personal*, and the latter *political* publications. No two things can be more different in their nature, nor, in the point of view in which they are to be looked on by a jury. The criminality of a merely personal libel, consists in this, that it tends to a breach of the peace; it tends to all the vindictive paroxysms of exasperated vanity; or to the deeper, and more deadly vengeance of irritated pride.—The truth is, few men see at once that they cannot be hurt so much as they think by the mere battery of a newspaper. They do not reflect, that every character has a natural station, from which it cannot be effectually degraded, and beyond which it cannot be raised by the bawlings of a news-hawker. If it is wantonly aspersed, it is but for a season, and that a short one, **WHEN IT EMERGES LIKE THE MOON FROM BEHIND A PASSING CLOUD TO ITS ORIGINAL BRIGHTNESS.** It is right, however, that the law, and that you, should hold the strictest hand over this kind of public animadversion that forces humility and innocence from their retreat into the glare of public view. That wounds and sacrifices, that destroys the cor-

diality and peace of domestic life ; and, that, without eradicating a single vice or a single folly, plants a thousand thorns in the human heart."

It will not give universal satisfaction to have introduced the name of Porcupine, or Calender. For though no man can respect these characters ; yet, consciousness of having once favoured them from other motives, will touch the self-love of some, as it will be said the one is dead ; and the other run away, and it was not worth while, or perhaps liberal, to make use of their names even in a dramatic way, or as a character in a fable. As to Porcupine, it was said at the time, that though occasionally coarse in his language, and gross in his reflections, yet such a spirit and stile of writing, was necessary to counteract the excess of democratic principles ; that in fact, it did good. I doubt upon that head ; or rather to the best of my judgment, it did harm to the cause which it was thought to serve. Indignation is insensibly transfered from the advocate to the cause.

It has been said, in the British Parliament, that "He deserved a statue of gold for the services rendered here." This is a great mistake. He did injury to the character of British manners and liberality. It produced something like a personal resentment against the whole nation whence such a writer came. An intemperate partizan in public or in private life, can never serve any cause.

But it was not with a view to pourtray this spectre of scurrility that the name is introduced ; but because it suited to the counterpart, Polecat. I had thought of Panther ; but Porcupine could be drawn from real life, and was at hand.

I will not say, that before Porcupine came, and since, there has not been a portion of scurrility in some gazettes, *unworthy of the press*. There has been too much ; but I believe the example and the fate of this monster, and his successor Calender, has greatly contributed to reform the abuse. It is a check upon an editor to be threatened, not with a prosecution, but to be called a *Porcupine*, or a *Calender*.

It will be natural for a reader to apply in his own mind, the history of the village and its agitations, to the state where we live; and it will be asked, what ground is there for the idea, that here we talk of pulling down churches; or burning colleges. There is no ground, so far as respects churches; but it is introduced by way of illustration. What if any one should say, let us have no books, and no doctrines, but the ten commandments, the Lord's prayer, and the apostle's creed? Give us the gospel in a narrow compass, and have no more preaching about it. This would be no more than is said of the law; why cannot we have it in a pocket book, and let every man be his own lawyer? Our acts of assembly fill several folio volumes; and yet these are not the one thousandth part of our law. Why not, at least, put the acts of assembly in a *nut shell*? Ask our legislators. What else law have we but the acts of the legislative body? The law of nations forms a part of the *municipal law* of this state. This law is of great extent, and to be collected from many books. The common law, before the revolution, *made a part of our law*; and by an act of our legislature of the 28th January, 1777, it is recognized and established to be a part of our law, "*and such of the statute laws of England as have heretofore been in force.*" This law must be collected from commentaries and decisions. It is of an immense extent. Because the relations of men, and the contracts of parties, are of an infinite variety. But how is Turkey governed? Do the mufti require such a multiplicity of rules? No, nor the cadi in Persia; because "having no law, they are a law unto themselves." There is no jury there. It must be a profession, a business of study to understand our law: we cannot therefore burn the books of law, or court-houses, any more than we can dispense with sermons and commentaries on the bible; or pull down religious edifices.

I will not say, that people talk of burning colleges; but they do not talk much of building them up. The constitution provides, Article 7. "That the legislature shall, as soon as conveniently may be, provide by law for the establishment of schools throughout the state, in such manner that the poor may be taught gratis."

Sec. 11. "The arts and sciences shall be promoted in one or more seminaries of learning." We do not hear of much exertion on this head; either in the legislative

body, or out of doors: But what is more exceptionable; or at least unfortunate, in the opinion of literary men, and perhaps in the opinion of some that have the misfortune not to be learned, is that learning does not seem to be in repute universally. The surest means in some places, as is said, to make your way to a public function, is to declaim against learning. It would be a libel on the body politic, if a state could be the subject of a libel, to say, or to insinuate, that this is general. *But it is heard in some places.* I do not know that it is carried so far that a candidate for an office will affect not to be able to write, but make his mark; but it is not far from it; for he will take care to have it known, that he is no scholar; that he has had no dealings with the devil in this way; that he has kept himself all his life, thank God, free from the black art of letters; that he has nothing but the plain light of nature to go by, and therefore cannot be a rogue; that as for learned men that have sold themselves to the devil, they may go to their purchaser; he will have nothing to do with old nick or his agents. This is not just the language used; but it is the spirit of it. It may be a caricature, as we distort features to mark deformity more deformed. But the picture is not without some original of this drawing. To speak figuratively, as we say of fevers, it may be in low grounds, and about marshes, that we have the indisposition; that is, *in the secluded parts of the country.* But so it is that it does exist.

It is true, the savages of our frontier country, and elsewhere, dispense with the use of letters; and at a treaty, Canajohalas and other chiefs make their marks. They are able counsellors, and bloody warriors, notwithstanding. The Little Turtle defeated general St. Clair, who is a man of genius, and literary education; and yet the Little Turtle can neither read nor write, any more than a wild turkey, or a water tarapin. But let it be considered, that the deliberations of the council-house, at the Miami towns, embrace but simple objects; and a man may throw a tomahawk, that holds a pen, but very awkwardly. So that there is nothing to be inferred from this, candidly speaking. I grant, that Charlemagne made his mark, by dipping his hand in ink, and placing it upon the parchment. It was his hand, no doubt; but it must have taken up a large portion of the vellum; and it would have saved expence, if he could have signed himself, in

a small character. But what may pass, in an illiterate age, with an emperor, will not be so well received in a more enlightened period, and in the case of a common person.

It is not the want of learning that I consider as a defect; but *the contempt of it*. *A man of strong mind may do without it*; but he ought not to undervalue the assistance of it, in those who have but moderate parts to depend upon. It is a bad lesson to young people; who had better take a lesson from their books. At any rate, it is good to have the thing mixed; here a scholar and there an illiterate person; that the honesty of the one may correct the craft of the other.

How comes it that a lawyer in this state seems to be considered as a limb of Satan? There is a great prejudice against them. It would seem to me that it is carried to an extreme. An advertisement appeared some years ago in a Philadelphia newspaper of a ship just arrived with indented servants; tradesmen of all descriptions; carpenters, joiners, and *sawyers*. The error of the press had made it *lawyers*. It gave a general alarm, for the people thought we had enough of them in this country already.

But if we have lawyers at all, it is certainly an advantage to have them well educated. Were it for nothing else but the credit of the thing, I should like to see an enlightened and liberal bar in a country. It is thought that learning makes them make long speeches. If that should be made appear; I bar learning; for I like brevity: with Shakespeare, I think it "the soul of wit."

I attribute the making *long speeches*, to the taking *long notes*. When every thing is taken down, every thing must be answered, though it is not worth the answering. This draws replies long into the night; and we labour under the disadvantage of not having woolsocks to sleep upon as they have in England, while the counsel are fatiguing themselves; or at least the juries.

The prejudice against lawyers stands upon the ground with the prejudice against learning. *The majority are not lawyers, or learned men*. A justice of the peace is a deadly foe to a lawyer; for what the one loses, the other gets. The chancery jurisdiction of a justice is hewn out of the jurisdiction of the courts of law, and abridges the province of the lawyer. It is well if it does not edge out

the trial by jury. How? This mode of trial is retained by the courts of law. But who are at the bottom of this hostility to the courts of law. I will not say the *holy army* of justices; though some may break a spear at it. I believe there are of them, that think their jurisdiction is sufficiently encreased; *but there are others who would not object to a little more.*

In China there are no courts of law or lawyers; all justices of the peace. They call them *Mandarins*. In capital cases, there is an appeal to the emperor. *There is no jury trial there.*

A limb of the law, is a good name for a lawyer; for we say a limb of Satan; and a lawyer in a *free country* is the next thing to it: a thorn in the flesh to buffet the people. There is freedom enough in the constitution; why need we be afraid of aristocracy in practice? Every man is brought up to the bull-ring in a court of law, be he rich or poor; but the scherriff, in Arabia, who is a justice of the peace; not like our sheriff here, though it is spelt the same nearly, can *summon no jury*; at least he takes care not to do it. But the governments of those countries, are arbitrary, not free. It is an astonishing thing to me, that a *free government, and the exclusion of lawyers, cannot well be reconciled.*

How can the overthrow of a judiciary tribunal, affect *liberty*? No otherwise than as it militates against a branch of the government. Take away a branch from a tree, and the shade is reduced. What is a branch that is borne down by the rest? But suppose the judiciary branch goes; the legislative and executive remain.—There are two sprigs to the legislative branch. Which is strongest? That of the *house of representatives*. Is there no danger of this out-growing the other two?—There is half a sprig in the executive. But the great sprig of the house of representatives is “the rod of Aaron that will swallow up the other rods.” There is a talk now of abolishing the senate. That will be talked of, unless it becomes an *enregistering office*. It is hoped that will never be. In this I allude not to any disposition that has yet shown itself in the house of representatives; but to what I have heard broached out of doors.

Despotism is not a self-born thing. It has its origin in *first causes*. These not perceptible, like the gas that produces the yellow fever. Why call out against the fever? It is the gas that is the cause. Whence sprung

the emperor that now *affects the French*? From the *mountain* of the national assembly. It is the madness of the people that makes emperors. They are not always aware when they are planting *serpents teeth*. Reflecting men saw the emperor, in the insurrections of Paris; in the revolutionary tribunals; in the dominancy of the clubs; in the deportations to Cayenne. Whether it springs from the seed, or grows from the plant; is oviparous, or viviparous, *despotism is not of a day*; it is of gradual increase. Will not the people give him credit that can point out to men, *where a germ of it exists*.

IN what is hinted at, in several pages of the preceding chapter, of hostility to laws and a disposition to overthrow establishments, and judges, I have in view, not the proceedings of a public body, but the prejudices of the people. It is talk out of doors that I respect. And this is the fountain which is to be corrected. Representatives must yield to the prejudices of their constituents even contrary to their own judgment. It is, therefore into this pool *that I cast my salt*. *It is to correct these waters that I write this book*. I have been in the legislature myself, and I know how a member must yield to clamours at home. For it comes within the spirit of the principle, *to obey instructions*.

In the song which I have put into the mouth of O'Dell, I have nothing else in view but to give a picture of the excess of the spirit of reform. It is taken from the life; for though not in verse, yet I have heard similar sentiments expressed by the *uninformed*.

THE talk of *abolishing* the courts, and the judges, is a language which I put into the mouth of Tom the Tinker; yet is more general than is imagined. I am afraid it may affect ultimately the democratic interest; to which I feel myself attached; for I aver myself to be a democrat. No Perkin Warbeck, or Lambert Simnel; but a genuine Plantagenet. Hence my concern for their honour and existence, which can alone be supported by their wisdom and their justice.

Judges are impeached, and violent persons will have them broke before they are tried. But accusation and condemnation are not the same thing. It is not on every bill that is found by a grand jury that there is not a defence.

There is nothing to be collected from any hints of mine that I arraign the justice or policy of the impeachment; much less, that, I wished to see it quashed, or withdrawn. I have it only in view to arraign preconceived opinions, and *the forestalling the public judgment*.

Sublime is that tribunal that is to *judge judges*. The highest judicature of the body politic. It presents an awful, but majestic spectacle. Our senators, in this capacity, are the representatives of heaven. I see them seated on a mount "fast by the throne of God;" the stream of justice issuing at their right hand; full and equal in its current; crystal in its fountains, and giving vegetation to the groves and gardens on its borders:—The stream of injustice at their left, bursting like a torrent of inflamed naptha, scorching and consuming all before it.

It lies with this sublime court to give its lessons of impartial justice to the subordinate judiciaries. I rejoice in this power of the constitution. I shall submit to its decisions.

CONCLUSION OF THESE CHAPTERS.

IT occurs to me, that I shall have all the lawyers on my back; because I have said to them, as was said to the Pharisees, "Use not vain repetitions as the heathens do: for they think they shall be heard for their much speaking." By the bye the heathen with us, that is the savages of North America, are not long speakers. They call it a talk, it is true; but it is raised above a common conversation. And they are not tedious speakers; short, clear and pithy, are the characteristics of their eloquence.

The heathen—are the Gentile nations here meant, that bordered on Judea? or does it refer to the redundancy of the Greek and Roman eloquence The *loqua-*

cious Greek was proverbial. When a language becomes copious, the speakers become verbose.

But the lawyers will say, "how can we help it? The client will have talk for his money. He purchases his plantation by the acre; he sells his wheat by the bushel; or if a shopkeeper in the city, he measures tape by the yard. *Omnia deus dedit*, says the Latin scholar, *Número, mensura, et pondere*. He will have quantity, let what will go with the quality. For of that he is not a judge.

I admit it is difficult to get a man to understand that the cause is oftentimes won, with judgment and silence, like the game of chess. All depends upon the move. A client will say, you ought to refund me something; or take less than I promised. You had no trouble. Or he will go away, and say, lawyer McGonicle took twenty dollars from me, and did not say a word.

He was six hours on his feet, says a man coming from the court. This sounds well and it looks as if the man was a great lawyer. So that self-preservation is at the bottom of long speaking. Or is it in accommodation to false opinion.

I admit something in all this. An advocate will occasionally find himself under the necessity of saying more than is necessary, in order to save appearances, and to satisfy his client who is not like the court and jury, weary of the harangue. But this is not the great cause of prolixity. It has a deeper root; it is a false stile of eloquence that has been introduced, and is become fashionable. I have asked chief justice Shippen, if he could recollect and trace, the origin and progress of it. Is it imported, or of domestic origin? He thinks it was introduced by John Dickinson, who was an agreeable, but a lengthy speaker. At nisi prius; or at bar in England, there was no such thing. But whether there is or not; is of no account. The thing ought not to be. Because it will lead to the loss of the *jury trial*.

A lawyer must say every thing that his ingenuity can suggest on the subject. The strongest reasons are not sufficient; he must bring up the weaker. After throwing bombs, he must cast jackstones.

There is more sense in the common mind than is imagined; and close thought in strong words will be understood, and a few will suffice.

The bar of this state is said to excel in legal knowledge ; but certainly is behind none in liberality of practice ; and delicacy in argument. In practice, no catches, or as the common people call it, snap judgments ; lying in wait at the docket ; making surreptitious entries, and giving trouble to get slips set right. This the meanest lawyer can do. A rat can gnaw the bowstring of Philoctetes. The drawback in the opinion of foreigners, and the feelings of the people here, is the length of speeches.

I will not say that hence arises wholly the prejudice against lawyers. A prejudice against the liberal professions, exists in all countries ; or they are made the subjects of invective from the occasional abuse of their privileges. " Woe unto you lawyers," is a scripture expression, and applies to the priests among the Jews who were the interpreters of the law of Moses. The physicians of all countries are said to kill people. And as to advocates they get no quarter in any country. Wits will exclaim even without ill will. Don Quevedo, a Spanish writer, in his vision of hell, tells us, that he observed a couple of men lying on their backs asleep in a corner, with the cobwebs grown across their mouths. He was told these were porters, and had been employed in carrying in lawyers, but there had been no occasion for their services, for a century past, these cattle had come so fast of themselves, that the carriers had laid themselves up in the interval of business, to take a nap there.

As to the length of speaking, how can it be helped in advocates ? Not by any act of the legislature, constitutionally, *at least in criminal cases* ; for it is provided by the constitution that in criminal cases, the party shall be heard by himself and his counsel. But this provision was not meant to exclude the right in civil cases, which existed at the common law ; but because in capital cases, in the courts of criminal jurisdiction in England, counsel was not allowed to the accused, except on law points, arising on the trial. In civil cases the legislature may change the law or modify it ; but I am not able to say, what regulation by an act of the legislature, might be expedient ; or what practicable by the courts themselves. The safest and most easy remedy would be in the bar themselves ; cultivating a stile of eloquence of greater brevity, and endeavouring to be more laconic in their speeches.

They are not aware that this length of speaking has become unsufferable. That resentment against the bar on that account, has been accumulating, and is now ready to overwhelm their existence. It is a great cause of that obloquy against the proceedings of the courts of justice, which is heard in this state. Delay is the effect; and delay is an obstruction of justice.

But delay is the cause of loss to the lawyer. It is a vulgar idea, but founded in mistake, that lawyers delay causes for the sake of fees. It is their interest to have speedy trials, as much as with merchants to have quick returns. It is the interest of the advocates that I endeavour to promote, in suggesting a reform in the length of pleadings. I am endeavouring, in the scouted language of some reasoners, "to save the lawyers from themselves." It is on this principle that I attempt to school them a little on the point of oratory at the bar.

Some one will say, that I but affect to treat them thus cavalierly. That it is like the case of an Indian in a skirmish, of which I have heard, on the west of the Ohio, who on his party being defeated, pursued one of his own people, with his tomahawk lifted up, ready to strike, and was mistaken for a volunteer. In the heat of the affair seeing him alert, and pursuing, they thought the one before him was in good hands, and they let them both escape.

To apply the story. It may be thought that I affect to school the profession, to save it from arbitration laws, in the spirit of what has been called the *adjustment bill*. I am not one of those with whom it has been clear, that the adjustment bill passed into a law, would do any injury to lawyers. It might winnow off some of the chaff, but better corn would come to the mill. I have no idea that any thing can hurt the profession, but the overthrow of liberty. Counsel to advise, and an advocate to speak, will be always wanted where *the laws govern and not men*. Rules of property and contract in civil cases, and the principles of law in matters of life, liberty, and reputation, will always call for the assistance of the head and the powers of speech, in a republic.

My concern in the case of innovations, doubtless meant for improvements, has been that the experiment would not shew wisdom in the framers; but, on the contrary, discredit the administration by which they had been introduced; or, if tolerated, and approved, would lead to aristocracy, and despotism in the end. This by grad-

tions insensible, as opiates unnerve the constitution. It would take a volume to trace gradatim, how, and why this would be brought about; and after all it may be a spectre of the imagination. Let the wise determine. Were I a practising lawyer, as probably I may soon be, I should apprehend little from it on the score of profit, and loss to the profession. My idea is, that eighteen months would put an end to it, and it would, by that time, have sowed a pretty fruitful field of controversy, that would last as many years. As to the *constitution*, it seems to be in vain to talk to the people about it, *when it is in the way of what they wish, and must have.*

But hinting as has been done with regard to the exuberance of oratory at the bar, it is to be taken subject to the exception of cases which cannot be considered in a few words; either where the facts are complicated, and the evidence extensive; or where a point of law embraces an extensive scope of argument. The elucidation in some cases, must be drawn from the law of nature; the law of nations; the municipal law. Statutes, commentaries, and decisions must be examined at full length.

It is not half a day, or a day, that will suffice always, to do justice to a question. The court themselves will stand in need of the careful preparation, and the minute investigation of the counsel. The bringing forward lucidly, and arguing a matter well, is a great help to a court. It is doing for them, what they would have to do for themselves, without their assistance—The labour of the counsel is the ease of the court. Many a midnight thought is expended by the laborious lawyer, of which the court feels the benefit, in the light which he throws upon the subject of the litigation. It is the

—Rudis indigestaque moles,
of the unprepared that wastes the most time.

It is the highest effort of a strong mind to condense. Having taken a comprehensive view of the whole horizon of the subject, the man of talents *collects the principles that govern and illustrate the case.* To state and press these, is the effort of the great orator. To reduce to generals, and bring forward the result.

But in order to speak short upon any subject—*think long.* Much reflection is the secret of all that is excellent in oratory. No man that speaks just enough, and no more, ever wearies those that hear him. And that is

enough which exhausts the subject, before the patience of the auditory.

There is such a thing as alarming *the patience*. A speaker branches out his subject. It is all proper that this should be done in his own mind. It is necessary that he should have a system of argument, and a certain order of arrangement. But I do not approve of an explanation of this. I remember the alarm which I have felt listening to a speaker in the pulpit, when he has spread out the table of his doctrine into heads and sections. When he had done with the first, that is well, thought I. But then, there is the second head; will he be as long upon that? Now if he had said, This point of doctrine arises from the text, I would have heard it out without fore-casting in my mind that the ulterior divisions were to come yet. It is not in the language of nature to have such compartments. It is well enough in a book of didactic dissertation. For there one can lay down the volume, and amuse himself otherwise when he is weary. The Indian in his talk has an order in his mind, and pursues it by the wampum belt, as the Catholic says his prayer by his beads. It is not the secret of persuasion, which does not steal upon the heart; and whatever the effect in matters of the judgment, may be the annunciation of method; it is unfavourable to all that interests the heart, and governs the imagination. You will see no such thing in Demosthenes or Curran. Cicero has something of it, but I always thought it a blemish. *Ars est celare artem*.

There is no such thing in the works of nature. Artificial gardens sometimes present that view, but these are not in the best taste.

The hills and mountains, vales, and extensive plains are dispersed with a beautiful variety. The stars of the heavens are not at marked distances. There is a concealed regularity, order and proportion in all that affects. The mind remains cold where there is nothing that surprises and comes unexpectedly upon it.

END OF VOL. II.

Alexander & Phillips, Printers, Carlisle.

MAR 5 - 1954

